AN ABSTRACT OF THE CASE

Of the HONOURABLE

JAMES ANNESLEY, Esq;

Humbly submitted to the Consideration of all Disinterested Persons, and of all Lovers of Justice and Truth.

Fiat justitia, aut pereat mundus. FERD. CÆSAR. dict.
Sublata justitia, quid sunt imperia nisi magna Latrocinia. AUGUSTIN.
Fatetur facinus is, qui judicium fugit. SENECA.

Sage & Divine Astrée ! Déesse de la candeur & de la justice, oú sont vos Temples ? quel endroit de la terre joüit de vos faveurs ? y êtes vous ? quel lieu trouveray-je oú vos ennemis ne soient pas les maîtres ? l'innocence est opprimé sous le poids de la cabale ; le hipocrisie triomphe de la vertue, vos decrets corrompus par vos propres Ministres, sont devenus des loix d'avarice, de cruauté, de corruption. Paroissez si vous habitez quelque endroit inconnu de ce mond ! descendez des cieux si vous y êtes ! venez punir les méchans, vanger les justes, soutenir les foibles, éclairer les Aveugles.

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PREFACE.

THE following account, was ſome years ago compiled by a perſon well acquainted with the proceedings of all the parties engaged in the extraordinary conteſt to which it relates, and is here publiſhed from the original copy. The candid reader will pardon the imperfection of the ſtile, which is not altered here, for fear of deviating from his meaning; for we prefer artleſs truth to the moſt poliſhed diſcourſe. The notes are added by another hand, to illuſtrate and explain particular paſſages, hinted by the author too imperfectly. The original relation was drawn up for the ſatisfaction of a great and good man, and ſincere lover of juſtice; who had this cauſe greatly at heart, and who (if death had not anticipated the execution of his generous intentions) had no doubt ſeconded the efforts of the perſon who carried it on for the claimant, againſt the oppreſſive arts of a powerful faction. That worthy gentleman was then at Bath, where he frequently obſerved the partizans and emiſſaries of Lord Angleſey and his confederates, ſtudiouſly declaiming in all companies in which they could be received, againſt Mr. Anneſley and his cauſe, without any regard to decency or truth. He could not obſerve this without ſome degree of reſentment and concern, and an inclination of entering the liſts in defence of truth; he could not ſee ſuch unfair methods of prepoſſeſſion practiſed; and the credulity of ſo many captivated, againſt an unfortunate helpleſs man, in that clandeſtine underhand manner. He was ſtill more incenſed, when he afterwards found the ſame infamous

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practice induſtriouſly purſued at London, Tunbridge, and other places of reſort, by thoſe very perſons, and others of their party, with ſuch zeal and keenneſs, as if it had been the ſole end of their coming to thoſe places. But as he was not ſo particularly acquainted with the merits of Mr. Anneſley's caſe, as to take upon him the refutation of many bold falſhoods advanced by thoſe diſtributors of ſlander; he, for information, had recourſe to the abovementioned perſon, who furniſhed him with this relation; wherein (far from exaggerating) he hath from a ſenſe of decorum and reſpect to the reader, drawn a veil over ſome facts, and ſoftened others that were of too ſhocking a nature to bear the light; tho' they tended ſtrongly to characteriſe the adverſe party, and to exhibit them in their proper colours.

Some of Lord Angleſey's partizans may poſſibly imagine, that he and his aſſociates are ſtill treated with too unbecoming a freedom; but they ought to conſider, that they, by their continued calumnies and miſrepreſentations, rendered ſuch a vindication as this abſolutely neceſſary; and that the author (though diſpoſed to obſerve as great moderation as ſuch a caſe would admit of) could not ſay leſs or otherwiſe than he hath done, without betraying the cauſe he undertook to vindicate from their aſperſions. Beſides, truth in an affair of this nature and conſequence, ought not to be ſuppreſſed out of any perſonal regards, and much leſs out of regard to the aggreſſors; eſpecially, as ſelf-defence, the firſt law of nature, and their own iniquitous conduct, rendered a vindication abſolutely neceſſary. For the unhappy claimant ſtands ſingly and by himſelf, without any other friends or advocates, except ſuch as the juſtneſs of his cauſe (with which few are throughly acquainted) hath gained him: while, on the other hand, his adverſaries, and their aſſociates, confederates, allies, relations and friends, and ſuch as are intereſted by grants, leaſes, and purchaſes for iniquitous

quitous conſiderations to ſide with them, are very numerous. They thruſt themſelves almoſt every where; they move in concert; and not contented with the repeated acts of cruelty and oppreſſion they have exerciſed againſt him, they eagerly catch at all opportunities, of alienating the minds of ſuch as might be diſpoſed to compaſſionate his hard fate. For that purpoſe they ſtop at nothing; all the arts of calumny, ſlander, and detraction, have been, and are daily practiſed not only againſt him, but againſt the gentleman who eſpouſed his intereſts, and ſupported him in the proſecution of his right; and his cauſe hath been traduced, by numberleſs miſrepreſentations, and confident aſſertions, equally falſe and ſcandalous; purpoſely invented, and induſtriouſly propagated by the confederacy. A ſwarm of agents and emiſſaries hath been for that end detached to all the public places of reſort. We could point out the very names and haunts of many of theſe infamous perſons, who travel from coffee-houſe to coffee-houſe, and from one club to another, throughout this capital and neighbouring villages, to prepoſſeſs people againſt the claimant and his cauſe. They have their leſſons, and are furniſhed with inſtructions, and with a ſeries of common-place topics, which they on all occaſions introduce into converſation wherever they go, except when they perceive ſome one in company, who is acquainted with the particular ſtate of Mr. Anneſley's affairs, and then they are mute.

It is remarkable, that the confederates have been very judicious in the choice of theſe tools; ſome of them being ſuch as by fiddling, procuring, flattery, and other paraſitical arts, have opened themſelves a way to the antichambers, and even to the cabinets of the great; and others, ſuch as by harranguing in coffee-houſes, ale-houſes, and places of public reſort, have acquired a ſort of popularity among the middling and lower claſs of people. Thus, as the fouleſt and

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moſt deſpicable reptiles have ſometimes the power of hurting the braveſt and moſt noble of the animal ſpecies; ſo have theſe kind of perſons in like manner, done this unfortunate gentleman and his cauſe inconceivable hurt, by their calumnies and miſrepreſentations. But what is ſtill of more pernicious conſequence, thoſe who weakly ſuffer themſelves to be thus impoſed upon, alſo prepoſſeſs others; and by a continual repetition of the ſame common-place topics, which they have learned by rote, theſe, without being acquainted with the merits or demerits of the caſe on either ſide, daily ſpread the contagion; and an oppreſſed gentleman, whoſe misfortunes ought to have moved every humane breaſt to compaſſion, has been moſt inhumanly and cruelly hunted down by the meer weight of groundleſs clamour, and ſuperior power; though his caſe, far from being weakened, is now vaſtly ſtronger, and better ſupported with evidence, than it was when the verdict found for him met with the general approbation of all the diſintereſted part of mankind, that were within reach of being rightly informed of what paſſed on the trial. In a word, ſuch is the influence of the party intereſted againſt him, that even the very bench, the tribunals eſtabliſhed for the equal diſtribution of juſtice, are not all clear of the infection. This partiality was very remarkable in the affair of Mary Heath; in the courſe of which, ſo ſhameful a proſtitution and violation of public juſtice, appeared to have been practiſed to prevent an effectual trial of that criminal, and to ſcreen her from conviction, as gave matter of great ſcandal and offence to all good men, and drew the court that ſcreened her into contempt. In which ſtate it continued, till the perſon who then preſided in it, and governed the other two, was removed from off the bench; and the known abilities, and the univerſal good character of the gentle man who ſucceeded him, reſtored it to its former credit and luſtre. Had a perſon of his approved

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honour and integrity, been at that time on the bench, neither party could have had the leaſt room for complaint; for his uncorrupted heart, was far above the mean arts practiſed by his predeceſſor; whoſe partiality in that affair was ſo flagrant, that the copy of the trial, publiſhed afterwards under his ſanction, could not bear the public light, till many inſtances of injuſtice, which were too glaring to be countenanced or juſtified, were totally expunged or varniſhed over before the publication. And the partiality ſhewn in ſumming up the evidence, and the frequent and obvious miſrepreſentations of it, in the charge to the jury at the end of the trial, were ſo openly ſcandalous, that the real charge given on that occaſion, was totally ſuppreſſed in the printed copies, and another ſubſtituted in its room. But as a detail of that iniquitous affair, was publiſhed ſoon after it was tranſacted, the reader is referred to it for particulars *.

It is hoped this account, in which truth is obſerved under every article with the moſt impartial ſtrictneſs, moſt part of the principal facts being of great notoreity, or of publick record in the ſeveral courts, will convince mankind of the juſtice of Mr. Anneſley's cauſe; and awaken the publick attention to one of the hardeſt caſes, that has appeared in any age or country. But let the caſe be as it will, it is of ſuch a nature and conſequence, that it ought certainly to be throughly enquired into. The publick, nay, every individual, is intereſted in it; for if the claimant is an impoſtor, no puniſhment can be too ſevere for ſo daring

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* It is titled, A narrative of the proceedings of the court of King's Bench in Ireland, relating to the trial of Mary Heath for perjury, in two letters; the firſt, from a counſel learned in the law, and the ſecond from a gentleman who attended the trial. It was publiſhed in the ſpring of the year 1745, ſoon after the trial of Heath; and it no ſooner appeared, than the adverſe party finding it unanſwerable, and the facts contained in it of ſuch notoriety, as not to be denied or palliated, had recourſe to the moſt effectual, and indeed the only method they had in their power to anſwer it; by buying up all the copies, and thereby concealing the iniquitous proceeding expoſed in it, from the knowledge of the publick.

ing an attempt. But on the other hand, if he be the legitimate ſon of Lord Altham, his calamitous caſe calleth aloud for redreſs for the moſt barbarous and cruel uſage he has undergone for ſo long a courſe of years; and it would be a national ſcandal that juſtice ſhould not be done him. And as his cauſe hath, for ſome years paſt, been ready for a trial in the Court of Chancery of Great Britain, and has ſtopped in that ſituation, merely for want of ability to proceed; it is greatly to be wiſhed, that ſuch a trial could be brought on, while the great and good man, who hath for ſo many years preſided in that court, and diſcharged the duties of the high office he is placed in, with ſuch diſtinguiſhed ability and integrity, continues to fill the bench.

As this is a moſt extraordinary and intereſting ſtory, if the reader ſhould take the trouble to read the text without interruption firſt, and then compare it with the notes, his pains will be amply recompenſed, by the ſatisfaction he will receive therefrom, as to many facts and circumſtances, hitherto known but to very few.

N. B. It is to be obſerved, that by the Claimant, (who is often mentioned in the following caſe) is meant Mr. James Anneſley, the unfortunate gentleman who claims the eſtate and honours of Angleſey, to diſtinguiſh him from the other Anneſleys mentioned in the courſe of the narrative.

AN ABSTRACT OF THE CASE OF JAMES ANNESLEY, Eſq;

ARTHUR Lord Altham, in the Year 1706, while he was yet a minor, married Mary Sheffield, a natural daughter of John late Duke of Buckinghamſhire, contrary to the inclinations of his mother, and all his other relations. Arthur late Earl of Angleſey, in particular, who bore an irreconcileable hatred to the Lady's father, did all he could to traverſe the match; and finding his oppoſition ineffectual, carried his reſentment to Lord Altham for this, as well as other inſtances of miſconduct, ſo far, that he never was thoroughly reconciled to him. After their marriage, they cohabited together in England two or three years, during which period, Lady Altham miſcarried ſeveral times; and her Lord being a man of an extravagant diſpoſition, not only ſpent all that part of the fortune he had acquired by her, but alſo contracted ſo many, and ſuch conſiderable debts, that he was obliged to retire precipitately into Ireland, leaving her at London with his mother and ſiſters.

As this unhappy marriage had been contracted againſt the inclinations of theſe Ladies, it was not likely that any good harmony ſhould long ſubſiſt between them; eſpecially as Lady Altham was a woman of a lofty ſpirit, who could not tamely bear ill uſage from perſons of whoſe evil diſpoſitions towards her, ſhe had already received many convincing proofs. Accordingly, they had not been long together, before ſeveral miſunderſtandings aroſe, which were fomented by the ill-nature and malice of one of her ſiſters-in-law. Several ſcandalous reports of her miſconduct, were trumped up by them againſt

her; for which the vain, empty and forged pretenſions of a pitiful coxcomb, who was uſed as a tool on that occaſion, furniſhed ſome ſlender pretext. Theſe, with many aggravating inſinuations, were carefully tranſmitted to her huſband; who, being a giddy, fickle, and unthinking man, was ſo much incenſed, that in the firſt tranſports of his paſſion, he ſent over to his mother directions, and a power of attorney, to commence a ſuit for a divorce. The mother very readily complied with his deſire; and in the year 1711, a libel was exhibited, full of many ſcandalous allegations, but void of the leaſt foundation in truth; and accordingly, being unſupported by any manner of proof, it was after having depended upwards of two years, at length diſmiſſed.

Lord Altham, finding himſelf thus abuſed, by the miſrepreſentations of his mother and ſiſter, expreſſed an inclination to be reconciled to his Lady; who, in conſequence thereof, went over to Dublin in October 1713, with letters from the Duke her father, and his Dutcheſs, ſtrongly recommending her to the care and good offices of one Captain Briſcoe and his Lady, both perſons of very great worth, who were earneſtly requeſted to receive the Lady Altham into their protection and houſe, and to bring her Lord and her together. Captain Briſcoe did as he was deſired; and ſome time about the end of November, or beginning of December following, Lord Altham being then at Dublin, his wife was introduced to him, and received with all the demonſtrations of perfect love and eſteem. That and the two or three following nights, they cohabited together at Captain Briſcoe's; after which, my Lord conducted her to his own lodgings, at one Mrs. Vice's in Eſſex-ſtreet, Dublin.

From thence about Chriſtmas, he carried her to his country-ſeat at Duumain, in the pariſh of Tintern and county of Wexford, near New-Roſs; then a large trading town belonging to his lordſhip, part of the eſtate deviſed to him by James Earl of Angleſy. Soon after their arrival at Dunmain, Captain Briſcoe with his wife and daughter, went thither as viſitors, by particular invitation, and ſtaid in the houſe three or four months; during which Lady Altham had the misfortune to miſcarry, occaſioned by a ſurpriſe, her huſband having in a violent fit of paſſion thrown ſome ſaucers, with obſcene figures, cloſe by her head into the chimney, while ſhe ſat at table [1].

[1] This miſcarriage, with the incident that was the cauſe of it were proved on the trial at bar, by Mrs. Cole daughter to Captain Briſcoe, a perſon

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In ſummer 1714, Lord Altham with his Lady returned to Dublin, and occupied their old lodgings at Mrs. Vice's in Eſſex-ſtreet. Soon after this removal, Lady Altham became once more pregnant; and ſhe herſelf, as well as her Lord, declared her ſituation at the time, to ſeveral perſons of credit; particularly to a phyſician of character, who being called to viſit her, was obliged to alter his firſt preſcription, on her giving him to underſtand that ſhe was with child [2].

Lord Altham conſidering that Arthur Earl of Angleſey had no iſſue, and that he himſelf and his children would be next in remainder to the Earls honours and large poſſeſſions, was very deſirous of having a ſon; and as his Lady had miſcarried ſeveral times in England, and very lately at Dunmain, he laboured under the ſtrongeſt apprehenſions of another miſfortune of the ſame kind. In order to prevent which, he treated her with the greateſt tenderneſs and care; and altho' he was naturally inclined to low company, and exceſſive

perſon of unblemiſhed character, who was preſent; and the circumſtance of the ſaucers being thrown, and her Lady's being frightened thereby, was acknowledged by Mary Heath, when cloſely examined concerning it on her croſs examination; tho' ſhe obſtinately denied the miſcarriage that enſued upon it. She alſo poſitively denied, that her Lady ever kept her room one day all the time ſhe continued at Dunmain; and yet another witneſs of the ſame ſide of the queſtion with her, ſwore at the ſame trial, that Lady Altham was ill, and kept her room a fortnight at that time.

[2] This the phyſician himſelf hath poſitively declared, and further added, that before ſhe left Dublin to go to Dunmain, it was very viſible that ſhe was with child; and that Lord Altham, on his return to Dublin the ſummer following, told him that ſhe had brought him a fine boy, and that he thereupon complimented him. This gentleman was not known to the claimant, or any of his managers, till after the trial in the year 1743; ſo that he had not the benefit of his teſtimony on that trial. However, when he found that his teſtimony was neceſſary, and that he was legally called upon to give it, ſuch was his zeal for truth, that he undertook a long and dangerous voyage, from the center of Ireland to London, in the very worſt ſeaſon of the year; tho' he at that time, was in ſo weak and infirm a condition, and ſo tortured with pains of various kinds, that he could ſcarce bear to be touched, when he was carried into the coach and out of it. Nevertheleſs, on that occaſion, he bore all theſe and many other inconveniencies in the courſe of ſo long a journey and voyage, with great patience and alacrity, from the ſole conſideration of his having undertaken them for the ſake of doing juſtice to an injured oppreſſed man. But nature being unable to reſiſt any longer, and he being quite wore out and ſpent with fatigue and pain on his arrival at Briſtol, he died a martyr to the cauſe he came to ſerve, the night he landed there; regretting by his laſt words, that he could not anſwer the end for which he was brought over. It was no leſs a remarkable than a moving ſpectacle, that beſides this gentleman, Colonel Weldon and a lady, who were brought over for the ſame purpoſe on that occaſion, were ſo infirm and weak, that they were carried in mens arms in and out of the inns throughout the whole journey.

drinking, yet, on this occaſion, he had a more than ordinary guard upon his conduct, and ſtaid very much at home. But at laſt, the natural bent of his diſpoſition, getting the better of the reſtraints he had laid himſelf under, he one night came home very drunk after his Lady was gone to bed; and having quarrelled with Mary Heath her woman, he threw a bed-ſtool at her; an aſſault which greatly frightened his Lady. Heath well knowing his apprehenſions of her miſcarrying, and that nothing could alarm him ſo much, or bring him ſooner to himſelf than ſuch a ſuggeſtion, called out "You have done a fine thing, you have made my lady miſcarry." This inſinuation had the effect that Heath expected, for he immediately became ſober; ordered one Mrs. Lucas, a noted midwife in the neighbourhood, to be immediately ſent for; and when he found, after waiting ſome time, that ſhe did not come, he, in his anxiety, threw open the dinning-room window, and called her ſeveral times by name. Next morning, Mrs. Lucas being out of the way, and Lady Altham either really indiſpoſed with the fright, or pretending ſo to be, in order to induce her Lord to guard againſt ſuch frolicks for the future, Mrs. Lawlor another noted midwife, was ſent for to attend her; and ſhe kept her room for ſome days. This circumſtance, and that of throwing the ſaucers, are particularly mentioned, becauſe Mr. Anneſley's witneſſes had incidently mentioned them as circumſtances of Lady Altham's pregnancy; and Mary Heath, the main pillar of Lord Angleſey's defence, hath acknowledged, both of them, on her croſs examination, tho' ſhe at the ſame time denied, that Lady Altham ever was with child in Ireland, or that ſhe kept her room on either of theſe occaſions. But it is very remarkable, that being further interrogated, why Lord Altham called for a midwife, if ſhe neither was with child, or kept her room? ſhe gave this ridiculous reaſon for it, that it was to know whether his Lady was with child; for if ſhe was not, he would have turned her away.

Lord Altham being a keen ſportſman, had determined to return to Dunmain with his family, for the ſhooting and hunting ſeaſon: but this accident, whether real or pretended, occaſioned his continuing his family in town ſeveral months longer than had been intended, with a view that his Lady being well advanced in her pregnancy, might be out of all danger of a miſcarriage from the journey: and in the mean time he himſelf went now and then for a few days to Dunmain, for the

the ſake of ſport; for he was naturally of a rambling diſpoſition, and impatient of continuing long any where.

About December or January 1714, Lord Altham with his Lady ſet out from Dublin for Dunmain, ſhe being then far advanced in her pregnancy; and from the time of her arrival there, till April or May, that ſhe was brought to bed, it was the general report of the country, that ſhe was big with child: and the condition ſhe was in, was particularly obſerved by many perſons of fortune, eſtabliſhed character, and undoubted integrity; who cannot be ſuppoſed under any undue influence in favour of the claimant, as neither himſelf, or thoſe who managed for him, had any acquaintance with them, or ever ſaw them, till long after they had declared their knowledge of theſe facts; and many of them they neither have ſeen or converſed with to this day.

About the latter end of April or beginning of May 1715, Lady Altham was delivered of a ſon at Dunmain [3]; at which place, and at the neighbouring town of New-Roſs, bonfires, illuminations, and other rejoicings were made by Lord Altham's tenants in the town on that occaſion; which greatly contributed to rivet the event in people's minds, tho' many material circumſtances attending it, have in the lapſe of time been forgot. The notoriety of this fact was ſuch, that in the pariſh where it happened, and the contiguous pariſhes, there are at this day ſeveral hundreds of people, who have already declared their knowledge and remembrance thereof; notwithſtanding the reſtraint they are under from the great power and influence of the claimant's adverſaries and their allies, in that quarter of the country; and the great pains and indirect methods that have notoriouſly and avowedly been taken by their numberleſs agents, emiſſaries and accomplices, as well as by thoſe who are intereſted with them in the event of this ſuit, to corrupt and ſuppreſs all manner of perſonal, as well as written evidence,

[3] Unfortunately there is no regiſter kept in the pariſh where the claimant was born; and none of the witneſſes for him, except two, have hitherto been able to fix upon the preciſe time of his birth: tho' they all agree in this, that it was in ſpring or ſummer 1715; ſome of them ſay it was in April or May, to the beſt of their remembrance; others that it was about the beginning of ſummer; but thoſe two are more poſitive, and affirm that it was about the 21ſt or 22d of April; for they recollect, that the account of Lady Altham's being delivered of a ſon came to New-Roſs, in two or three days after the judges of aſſize had paſſed through that town, in their way to hold the aſſizes at Wexford. Such uncertainty about points of time, and other minute circumſtances in the other witneſſes, is not at all ſurpriſing, conſidering the great diſtance of 28 years, that intervened between this birth, and the time it began to be conteſted by the claimant's adverſaries.

evidence; of which ſome glaring inſtances will be pointed out in the ſequel of this narrative.

Lady Altham being diſappointed of a particular nurſe ſhe had in view, and the milk of one Joan Landy, a healthy young woman in the neighbourhood, who had been delivered of a male child about eight or nine months before, being upon trial found better than that of any other who offered, ſhe had the preference. The child was ſuckled by this woman at my Lord's houſe, till the chriſtening was over, and afterwards at the houſe of her father, about a ſhort mile from Dunmain; it being at that time a received cuſtom in Ireland, for people even of the firſt rank and quality, to have their children nurſed out of their families at the houſes of farmers and tenants, of which there are numberleſs inſtances [4]. This houſe was fitted up on that occaſion, with a partition, glaſs window, &c. neither of which it had before, for the reception and accommodation of the nurſe and the child; and a coach-road was made,

[4] The diſingenuity of Lord Angleſey's counſel in their obſervations on the evidence given by the claimant's witneſſes on the trial in the year 1743, relative to this part of his caſe, is truly ſcandalous in a matter of this extraordinary nature and conſequence. For they have without the leaſt foundation, taken it for granted, that Lady Altham knew that this woman had a baſtard by Lord Altham; and have upon that falſe ſuppoſition, declaimed very copiouſly on the abſurdity and improbability of her permitting her ſon to be nurſed by ſuch a woman. But the truth is, that Lady Altham was ſo far from having the leaſt ſuſpicion of her huſband's commerce with Landy, that ſhe never even knew Landy's ſon was a baſtard. For it not only appears from the evidence of Lord Angleſey's own witneſſes, that it was induſtriouſly concealed from her, but that the common fame of the place was, that Landy was married to a ſailor, and had that child by her huſband. Beſides, it is very improbable, that Lord Altham ſhould ſo ſoon after his reconciliation with his lady, of whom he was at that time doatingly fond, let ſo ſhocking a circumſtance come to her knowledge: nor is it in the leaſt improbable, that Landy ſhould be prefered to any other nurſe that offered on that occaſion, as ſhe was a young healthy woman, and Dr. Sutton, in whom they confided, reported her milk berter than that of any other. Theſe gentlemen have acted with the ſame, or rather greater diſingenuity, in relation to the circumſtance of the child's being put out to be nurſed at a country cabine; which is the more inexcuſable in them, as they could not but know that nothing was more common in Ireland; and that the preſent Earl of Kildare, the late Earl of Barrymor's children, and many others of the firſt quality have been nurſed in that manner. It is therefore unaccountable, that gentlemen of a profeſſion, that ought to pay the ſtricteſt regard to truth, ſhould proſtitute their talents to pervert it, eſpecially in a caſe of this nature: nor can their declaration on that matter admit of any other conſtruction, than that they artfully took advantage of this circumſtance, to captivate and prepoſſeſs the minds of ſuch as were unacquainted with the Iriſh cuſtoms, and impoſe upon them by it as an incident of an extraordinary and improbable nature.

made, at a conſiderable expence, acroſs a deep bog that lay between Dunmain-houſe and this cabine, for the convenience of Lady Altham's going in a coach to ſee the child, which ſtill remain laſting monuments, of the truth of the claimant's caſe; and ſhall be taken further notice of in another place.

Lord Altham, being by this time much reduced in his circumſtances, propoſed to the Duke of Buckingham to ſettle a jointure on his Lady, hoping thereby to engage his Grace to pay up the remainder of her fortune. With this view, as ſoon as ſhe was recovered of her lying-in, he accompanied her to Dublin, in order to have it carried into execution, under the inſpection of a perſon appointed by the Duke for that end: but it appearing that the whole of his eſtate was ſo covered with prior ſecurities, intails, &c. that he could make no ſettlement, Lady Altham, after a ſhort ſtay of ſome weeks, returned again to Dunmain, leaving her Lord at Dublin very much diſappointed and vexed, that he had not touched the remainder of her fortune [5]. The child, in the mean time, continued to be nurſed at the cabine, while ſhe either viſited him there, or cauſed him to be brought to her at Dunmain almoſt every day; till being ſomewhat more than a year old, he was weaned, brought home to Dunmain houſe, and committed to the care of one Joan Laffan, a young woman who ſerved in the houſe as a chambermaid. And he was afterwards often ſeen at the town of New-Roſs, and many other places, in the coach with Lady Altham, who conſtantly treated him with the tenderneſs of a fond mother.

Lord Altham hitherto, and for about nine months after the child was weaned and brought home, lived in good harmony with his Lady, for the moſt part at Dunmain: but he had by his folly, extravagance, and want of œconomy, involved himſelf in many ſtraits and difficulties, which were greatly encreaſed by the Duke of Buckingham's refuſal to pay the remainder of Lady Altham's fortune. And ſhe perceiving, that his miſmanagement proceeded in a great meaſure, from his purſuing the pernicious counſels of ſome idle fellows, who had faſtened themſelves upon him, and lived conſtantly with him, uſed her endeavours to have them diſmiſſed. This they were no ſooner appriſed of, than they in their turn, partly out of revenge,

[5] Lord Altham married before he was of age, and was conſequently incapable of making a ſettlement, which made the Duke of Buckingham retain part of his daughter's fortune in his hands, till proviſion ſhould be made for her,

revenge, and partly in order to maintain their posts in the family, insinuated that she was guilty of infidelity to his bed; and undertook, that if his lordship would give them an opportunity, he should have convincing proofs of her frailty. This proposal was the more readily agreed to, as it was imagined, it would operate so as to bring the Duke of Buckingham to good terms, as to the payment of the remainder of her fortune. Accordingly one Palliser, a raw, unpolished country booby, who had been introduced into the family some time before, and who, by his natural bad qualities, had incurred the hatred of all the servants, was thought a fit tool to carry on their hopeful design. This fellow being in the month of February $17\frac{16}{17}$, in the house, he was on that occasion treated with much affected civility and confidence for several days by Lord Altham. Every thing being prepared for setting fire to the mine, Lord Altham went abroad one morning very early, as if he intended to go to some distant place, but returned immediately, and having concealed himself in the house, Palliser was, by one of those wicked conspirators, called up to Lady Altham's apartment, under pretence of her desiring to speak with him, tho' she was then in bed and fast asleep. Notice being given thereof to Lord Altham at the same instant, Palliser had scarce entered the Lady's chamber, when my Lord with his servants were at his heels, dragged him into the dinning-room, and cut off part of one of his ears, in order to give a more plausible colour to that wicked transaction; upon which a separation ensued, and the unfortunate Lady went that day to New-Ross, where she continued several years. At parting, she pleaded very hard that she might take the child with her; but was obstinately refused that indulgence, and a strict charge was given the servants to keep him out of her sight. The Duke of Buckingham, being informed by his daughter of the base inhuman treatment she had met with, not only supported her from time to time with money while he lived; but by a codicil to his will, reflecting on Lord Altham's evil temper, appointed his executors to pay her one hundred pounds a year, while she and her husband continued to live separate [6].

Soon

[6] It is well known that Lady Altham, from the time she set out for Ireland in 1714, till this misfortune happened, kept a regular correspondence with the dutchess of Buckingham, and with her father the Duke, to his death: and that he was so careful of all letters and papers relating to Lord and Lady Altham, that it now appears, by the scraps the adverse party have thought proper to produce, he endorsed even the most trifling of them with his own hand, and laid them up carefully. Of all this correspondence,

Soon after this ſeparation, Lord Altham went to Dublin, and from thence to the county of Kildare, where he continued in a rambling unſettled way, upwards of a year; during which time, the child continued at Dunmain under the care of Joan Laffan, and was during that time frequently carried to his mother by the indulgence of the ſervants, notwithſtanding the ſtrict charge given them to the contrary; and he was obſerved with her by many people of credit.

In the year 1718, Lord Altham took a county-houſe called Kinna, in the county of Kildare, ſent for his ſon from Dunmain, and put him to a day-ſchool near his houſe; to which he was always attended by a ſervant, or by the ſchoolmaſter, who generally came for him every morning, and carried him home in the evening. When he had continued ſome time at this place, it happened that a Roman Catholick ſchoolmaſter of that neighbourhood (a man of ſome character) was threatened with a proſecution for teaching contrary to law; and application being made to Lord Altham by ſome of his neighbours, he at their earneſt ſollicitation, ſent the claimant to his ſchool, with a view, as he was a peer's ſon, to diſcountenance that proſecution.

In the year 1719, Lord Altham removed to a ſmall houſe near St. Stephen's Green, in the city of Dublin, where his ſon was again put to ſchool to one Mr. Boon [7]. While he was

ſpondence, Lord Angleſey and his confederates, in whoſe power they were, have produced only one letter of Lady Altham's, and that wrote two years after the abovementioned ſeparation; and becauſe no mention is made in it of a child, they from thence have drawn a ſtrange concluſion, that there was none; and have made a great noiſe and parade about it, as if the ſilence of Lady Altham about her child in that ſingle letter, had amounted to a demonſtration of the claimant's being an impoſtor. But as they are poſſeſſed of all the letters and papers that belonged to the family, why do they not produce the letters written by Lady Altham to the Duke and Dutcheſs in the years 1714, 1715, 1716 and 1717, and to the Duke, her father, immediately after her ſeparation? for if they are produced, and no mention is made in any of them of a child, that argument will ſtill be ſtronger and more concluſive for them, than a ſingle letter writ two years after that tranſaction; but as they had them in their power, and do not produce them, is it not plain that they have induſtriouſly deſtroyed or ſecreted them, or that they dare not produce them?

[7] One Mr. Bowen, who afterwards knew Mr. Anneſley in the Weſt Indies, in the year 1739, when on board the fleet commanded by admiral Vernon, was his cotemporary at this ſchool. Both their names appear on the liſt of Mr. Boon's ſcholars at the ſame time; and the account and deſcription given of the claimant by Mr. Bowen in the Weſt-Indies, in

was at this ſchool, he was clothed in ſcarlet, with a laced hat and feather, attended every day by a ſervant to ſchool; where, as well as at all other ſchools he frequented, he was reputed the legitimate ſon and heir of Lord Altham, and as ſuch was highly reſpected, and generally called the young Lord Altham by his ſchool companions.

About the end of Summer, or the beginning of Autumn 1720, Lord Altham removed from St. Stephen's Green to a place called Mountain-Grainge, in the county of Wexford; where he lived ſeveral months in tents, and went often with his ſon to New-Roſs, where Lady Altham them reſided; by which means ſhe had frequent opportunities of ſeeing and careſſing him, while his father rambled from place to place about the country. On ſuch occaſions her tender affectionate treatment of him was obſerved by many, who have given evidence thereof; but theſe, as well as many other valuable witneſſes ſince diſcovered, were utterly unknown to the claimant and his managers, at the time of the trial in the year 1743, and long after it.

About the beginning of Winter 1720, Lord Altham removed from Mountain-Grange, to a houſe called Carickduffe, in the county of Carlow, which was part of the Altham eſtate. There he took into his family a tutor for the inſtruction of his ſon; but, being afterwards importuned by his neighbours, to permit this tutor to open a public ſchool, at a place called Benclody, near his houſe, the claimant, went conſtantly to this ſchool, attended either by a ſervant or the tutor. He was alſo at that time kept in great order, was magnificently apparrelled, had a little horſe kept for him, called Hanover, and a page to attend him wherever he went; and his father often carried him abroad with him, preſented him to his neighbours and viſitors, as his legitimate ſon; and on all occaſions treated him, and ſpoke of him as ſuch, and as the heir of his family. In Summer 1722, one Miſs Gregory, a female relation of his Lordſhip, came to Carickduffe, on pretence of a viſit to Thompſon Gregory her brother, who had pinned himſelf on him, and lived conſtantly with him. This artful woman, continued there during the remainder of my Lord's ſtay at that place; and his exceſſive fondneſs for his ſon being obſerved by her and her brother, they both made their court to him, by ſeeming

the year 1739, exactly agrees with that given of him by Mr. Boon and his other ſcholars to Mr. MacKercher, three years after, when the Claimant went firſt over to Ireland, after his Return from the Weſt-Indies.

ſeeming as fond of the child as himſelf: but, the ſequel will ſhew, that ſhe, in concert with his uncle, the preſent Earl of Angleſey, proved the artificer of all the unhappy youth's future misfortunes.

About the middle, or latter end of the year 1722, Lord Altham, together with Miſs Gregory, who from a viſitor, was now become his miſtreſs, removed from Carrickduffe to Croſs-Lane, or Loftus-Lane, in Dublin, where they lived in the ſame houſe with her mother and two brothers, Thompſon and Wentworth Gregory. Mr. Anneſley, then about ſeven years old, was brought from the country and put to ſchool. He had been there but a few days, when his father being informed, that Lady Altham lodged near this ſchool, and that the child had been with her, he immediately took him from thence, corrected him ſeverely, and put him to one Carty's ſchool in Phrapper-Lane.

Some time in the year 1723, Lord Altham, with his ſon and the whole family of the Gregorys, removed from Loftus-Lane to Phrapper-Lane, where the child ſtill continued at Carty's ſchool. Hitherto his father had been doatingly fond of him, and in every reſpect treated him as his legitimate ſon and heir; inſomuch that, notwithſtanding the extreme poverty to which he was reduced, he took a particular pride and pleaſure, in keeping his ſon in an equipage ſuitable to his expectations. And indeed he was univerſally reputed and reſpected as Lord Altham's legitimate ſon, at all the different places of his reſidence; and that, not only by his father's ſervants neighbours, and acquaintances, but particularly by his ſchoolmaſters and companions at the abovementioned five different ſchools; of whom, as many as have hitherto been ſpoke to, have expreſſed their ſurprize at the unparallel'd aſſurance of his adverſary, in preſuming to conteſt a fact ſo notoriouſly and publickly known [8].

Lord Altham's extreme poverty, even at this time, was ſuch as obliged him to have recourſe to Miſs Gregory and her mother, in ſome meaſure, for ſupport. And Miſs Gregory having ſome ſmall fortune in her own power,

[8] Tho' the number of perſons, who have declared their knowledge of the Claimant in all the various ſtages of his infancy, before he was ſpirited away, amounts to above ſeven hundred; yet they all agree in this circumſtance, that he was, during their knowledge of him, always deemed and reputed Lord Altham's legitimate ſon and heir; and that they never heard his legitimacy calſed in queſtion, till after his return from the Weſt-Indies, that his uncle and his party gave out that he was a baſtard, in order to avoid his claim to the Angleſey eſtate and honours.

part of which ſhe advanced him in his neceſſities, ſhe by this means gained ſuch a powerful aſcendant over him, as not only to govern him and the family at her pleaſure, but even make him conſent to marry her, tho' Lady Altham was then alive, and in the city of Dublin. The validity of that prepoſterous marriage was fooliſhly grounded on the bad ſtate of Lady Altham's health, who had long laboured under a paralytic diſorder, whereby ſhe daily declined ſo faſt, that it was thought ſhe could not long continue in the land of the living. Miſs Gregory buoyed up by theſe flattering expectations, made no ſcruple of owning her marriage to her intimates, as ſoon as ſhe underſtood that Lady Altham was ſet out for England, ~~arte~~ then not only aſſumed the title of Lady Altham in the family, but paid and received viſits as ſuch in company with Lord Altham.

This is the æra of the unhappy Mr. Anneſley's misfortunes; for, this abandoned woman, who at her firſt acquaintance in the family, had appeared ſo extremely fond of him, now totally changed her behaviour, and became his profeſſed enemy; and, not content with uſurping Lady Altham's place, carried her views ſtill higher, even to the deſign of diſinheriting her ſon, and ſubſtituting in his place her own ſpurious brood, in caſe ſhe ſhould have children. For this purpoſe, ſhe, her mother, brothers, and their creatures, practiſed all the wicked arts they could contrive to alienate the father's affections from his ſon, of whom he ſtill continued very fond. Many malicious low ſchemes were contrived, as appears even from the evidence of the witneſſes for the adverſe parties, to furniſh plauſible matter of complaint, and a pretext for her not being able to ſuffer him in the family, or to live under the ſame roof with him. His father was moreover conſtantly plied with inſinuations of the mother's pretended infidelity to his bed, in order, if poſſible, to inſpire him with jealouſy, and a ſuſpicion of the boy's being begot by ſome ſtranger. In a word, no art or contrivance was left untried to ſpirit him up againſt his ill-fated child: but, notwithſtanding his being inceſſantly tormented and perplexed by theſe intrigues and contrivances, he ſtill continued true to nature; and, tho' their reiterated complaints might ſometimes ſower, and even irritate him againſt the unhappy youth, yet they hitherto ended in nothing worſe than a fatherly correction. For his affections could never be totally alienated, nor his paternal care withdrawn, till his uncle, the preſent Earl of Angleſey (who had ſometime before arrived at Dublin from England) joined

with

with the Gregorys, tho' from very different views, to compleat his ruin.

Tho' the unhappy youth's deſtruction was now reſolved, and the means of accompliſhing it, by the united attifices of his uncle and the Gregorys, agreed upon, yet they durſt not carry their wicked ſchemes into execution, whilſt Lady Altham, his mother, continued in Ireland. But that Lady's long indiſpoſition, together with the neceſſities to which the death of the Duke her father had reduced her, obliging her at length to return to London about the beginning of Summer 1724, they then ventured without fear upon the execution of their deteſtable projects.

Lord Altham removed, ſoon after his Lady's departure for England, from Phrapper-Lane to Inchicore, a ſolitary place about three miles from Dublin: and Miſs Gregory proteſting that ſhe could not live under the ſame roof with the Claimant, his father conſented to board him out of the family. This point being gained, ſhe, together with her confederates, in order the better to cover their ſchemes, and to render the hapleſs youth's future deſtination the more obſcure and uncertain, adviſed that he ſhould be left behind in Phrapper-Lane for ſome days, with one ſervant maid only, in whom they could confide. From thence he was afterwards tranſferred in a myſterious manner to a private houſe, and put to a private ſchool in an obſcure and remote quarter of the town, with ſtrict orders to keep him cloſe at home; which were ſo punctually obſerved, that it was for ſeveral months quite unknown to the neighbours, or even to his former ſchool companions in Phrapper-Lane, how he had been diſpoſed of.

Lord Altham was next in remainder, after the death of Arthur then Earl of Angleſey, to his whole eſtate and honours. He had ſold or mortgaged all his own eſtate, and even his penſion from the government, almoſt as ſoon as he was poſſeſſed of them; and was by his weakneſs and miſconduct, together with the over-reaching arts of thoſe he dealt with, reduced to extreme proverty, which daily increaſed to ſuch a degree, that he was often in want of the common neceſſaries of life. He had now no other fund to ſubſiſt on, nor any other means of relief, but by ſelling the reverſion of the Angleſey eſtate, to which the nonage of his ſon was an effectual bar; for, by the ſettlement, he himſelf had only an intereſt for life in that reverſion. Being thus ſituated, and finding there was nothing to be done, unleſs ſome expedient could be found out to ſurmount this difficulty, he was ready to em-

brace

brace any temporary project whatever, by which he could be freed from it; therefore, without conſidering the ſhameful conſequences, he readily cloſed with a ſcheme propoſed to him by the confederates, namely, to ſecrete his ſon, give out that he was dead, and then join with his brother as next heir in tail, in the diſpoſal of theſe reverſions. This hopeful project he the more eaſily adopted, as the warmth of his former affection to his ſon was now in ſome meaſure, cooled and abated, by the continued importunities and arts of Miſs Gregory and her aſſociates, co operating with his own preſent views; and as he was withal conſcious, that no act of his could invalidate his ſon's title, or deprive him effectually of the ſucceſſion to thoſe lands. It being therefore concluded by theſe confederates, that the youth's preſent ſtation was ſtill too public for their views, and not well enough adapted to the privacy required for the execution of ſuch a ſcheme, he was removed into the houſe of one Kavenagh, an agent and accomplice of the preſent Earl of Angleſy, and of miſs Gregory, where he was kept for ſeveral months cloſely confined; and, in the mean time, it was induſtriouſly given out that he was dead.

Preliminaries being thus ſettled, advertiſements were publiſhed, and agents detached by Lord Altham, all over the city of Dublin, offering reverſions of the Angleſey eſtate to ſale: emiſſaries of various kinds were employed to inveigle and draw in ſuch as were ignorant of the affairs of Lord Altham's family, of the nature of the ſettlement of thoſe eſtates, and of his ſon's being alive, to become purchaſers. And ſuch unconſcionable pennyworths did they offer, that ſome who even ſuſpected the fraud, were tempted by the lowneſs of the price (which rarely exceeded a quarter, or half a year's rent) to become purchaſers on a contingency of the ſon's dying, before his father, or the hopes of his being induced to confirm his father's grants, when he ſhould come of age. Some who believed the ſon really dead, were induced to purchaſe, by the preſent Earl of Angleſey's joining in the conveyance, on a preſumption, of his being the next in remainder, after Lord Altham's death. Others were actually in treaty on the ſame miſtaken notion; but before they had completed their purchaſes, the ſon being a ſprightly boy, and impatient of reſtraint, found means to break from his confinement, and went up and down the ſtreets of Dublin without controul; avoiding his father's houſe for ſome days, for fear of his reſentment, and the ill offices of Miſs Gregory: ſo that all their hopes of raiſing farther ſums on that ſcheme, were diſappointed.

ed. Thoſe who had not yet completed their intended purchaſes, broke off their tranſactions in the middle; and ſome of thoſe who had actually completed them, on a ſuppoſition of the ſon's death, finding themſelves ſo groſsly deceived, upbraided the confederates with fraud, and inſiſted on having their money returned. Others indeed who bought thoſe ſhameful bargains, acquieſced in them from a conſideration of the contingency of Lord Altham's ſurviving Arthur Earl of Angleſey, or even his own ſon; very prudently concluding, that the trifling price for which they had purchaſed, was no way adequate to either of theſe contingencies; for, in the firſt caſe, they had a fair chance of being repaid their purchaſe money ten fold in Lord Altham's time; and in the laſt caſe, their purchaſes would have been good [9].

Lord Altham ſpirited up by Miſs Gregory and her confederates, was ſo enraged againſt the unhappy young man, on account of his elopement from his confinement, and the diſappointment reſulting from it to his money ſchemes, that the firſt time laid hold of him, he chaſtiſed him moſt ſeverely, and in his paſſion, bid him begone, and never to ſee his face again. The forlorn youth, thus delivered from his unnatural gaolers, rambled from place to place, from one quarter of the town to another, without going near his father's houſe, unleſs when pinched with hunger: then indeed he would ſometimes ſculk about the gates, but as the ſervants were moſtly creatures of Miſs Gregory, and had ſtrict orders from her not to admit him, he never was ſuffered to enter within the gates but by ſtealth. In the mean time, his averſion to confinement, and a diſpoſition to ramble with other idle boys of the ſame age, made his baniſhment from his father's houſe ſit very eaſy on him, but greatly contributed to his diſtreſſes: for many who knew him to be Lord Altham's lawful ſon, and therefore pitied his misfortunes, would have taken care of him,

[9] The trifling prices for which the two brothers diſpoſed of theſe reverſions, plainly prove that they were conſcious they were ſelling them under a bad title: for if that had not been the caſe, no man, however weak and abandoned, could be ſuppoſed to neglect his own intereſt, ſo far as to give up for ſuch trifles, the near proſpect they pretended to have of ſucceeding to a very great eſtate. Nor could they have been at a loſs to ſell thoſe reverſions at the common market price, had they been diſpoſed of under ſo clear a title as theirs would have been, if Lord Altham had no ſon; for the late Earl of Angleſey, who was the tenant in poſſeſſion, was then old and infirm. There are ſeveral deeds now extant, by which it appears that the purchaſe money ſeldom exceeded half a year's rent; and particularly one, by which the reverſion of an eſtate of 1200 l. a year is conveyed for 300 l.

him, if he would have been induced to ſtay in any one place. However, although the methods taken by his father and his uncle to ſecrete him, did not anſwer their ends, they ſerved to make him more known and conſpicuous, than perhaps he otherways would have been. For, as he had no controul over him, he herded with all the idle boys about Dublin, and particularly was much about the college of Dublin, where ſeveral of the ſtudents, and other members of that ſociety, being informed who he was, took great notice of him, inquired into the reaſons of his misfortunes, pitied him, and gave him money, clothes, and other neceſſaries for his relief.

And ſeveral gentlemen, ſome in high and dignified ſtations in the church, and others men of fortune and character, who were at that time ſtudents and members of the college of Dublin, have declared, that he conſtantly and invariably maintained that he was Lord Altham's ſon, and that the Duke of Buckingham's daughter was his mother, and that he was generally known and reputed to be Lord Altham's legitimate ſon, even in that moſt forlorn ſtate. The old officers and ſervants of the college, and many of the old inhabitants of the ſtreets near it, and of other quarters of the town, which he frequented during that period of his life, all agree in the ſame account of him; and moreover declare, that they never heard his legitimacy ſo much as called in queſtion, but have often heard his father exclaimed againſt, for his folly, barbarity and unnatural neglect of his child. And that it was no great ſurpriſe to ſuch as knew the character of Lord Altham, and thoſe about him at that time, and were acquainted with his deſtitute circumſtances, with his low profligate manner of life, and the influence that Miſs Gregory and his brother had over him, to find his ſon in that abandoned condition. However, in this unhappy ſtate did he continue from the latter end of the year 1724 or beginning of 1725, to his father's deceaſe.

At laſt, in 1727, Lord Altham died, ſo miſerably poor, that he was buried at the public expence. In thoſe days, Elegies on the death of people of quality and faſhion were much uſed, in which the incenſe of praiſe was generally beſtowed on the deceaſed with great profuſion; and one was accordingly publiſhed on Lord Altham's death, in which particular notice is taken of his ſon, by the two following remarkable lines [10].

Bleſt

[10] This circumſtance ſhews that it was then well known, to the author at leaſt, that Lord Altham left a legitimate ſon: for it is not to be ſuppoſed he would, on ſuch an occaſion, take notice of a baſtard, eſpecially one in the deſtitute condition of the claimant, at that time. This Elegy was found

☞*Bleſt youth! ſurviving to be good and great,*
You only need your father imitate.

Upon the death of Lord Altham, his brother Richard Anneſley, now called earl of Angleſey, taking advantage of the nonage and helpleſs ſtate of his nephew, to the amazement of the ſervants, and ſuch of the neighbourhood as were acquainted with the affairs of the deceaſed's family, ſeized all the papers, and afterwards aſſumed the title of Lord Altham; leaving the true heir, then turned of twelve years only, to the melancholy but ineffectual conſolation of bemoaning his father's death, and his own injuries. This he did in the moſt pathetic manner, for a few days that he was at liberty to wander diſconſolate about the ſtreets. But as his complaints reached only the lower claſs of people, they produced no other effect, than that of drawing ſome affronts and inſults on the unnatural uſurper; which only ſerved to alarm him, and precipitate his black machinations againſt the hapleſs youth. Of this uſage, however, he complained to his intimates; and, in order to prevent ſuch mortifications for the future, reſolved to ſeize the perſon of his nephew, and put him out of the way. In the firſt attempt that was made for this purpoſe, he himſelf perſonally aſſiſted; but it being immediately after Lord Altham's death, and happening near one of the great markets of the city of Dublin, the young man was on that occaſion reſcued out of his hands, by an honeſt butcher, who had ſome time before given him ſhelter at his houſe. However, this open act of violence had ſuch an effect upon the boy, that for ſeveral months afterwards, he never ventured to ſtir abroad, but kept himſelf cloſely concealed for fear of his uncle; a caution, that furniſhed the latter with an opportunity of propagating a report that he was dead, and thereby ſtealing ſurreptitiouſly into the houſe of lords in Ireland, as Lord Altham.

The extraordinary ſucceſs that this unparalled ſcene of iniquity met with, will be eaſily reconciled to the belief of ſuch, as duly weigh the enterpriſing genius and conduct of the uncle, in the former part of his life, together with the deplorable ſituation of the nephew, the diſtreſs, and all the other diſadvantageous circumſtances he laboured under. It is therefore to be conſidered, that he was at that time quite deſtitute of the protection of any perſon, who had either ability or inclination

found about the time of the concluſion of the trial at bar, in November 1743, by a reputable citizen of Dublin, among his papers; and was by him delivered to a noble lord, who gave it to one of the claimant's counſel, and ſeveral more copies have ſince been found by others.

to eſpouſe his cauſe. All his father's relations, had they been on the ſpot, as they were not, were intereſted to connive at, and even to forward his deſtruction: and as his mother was an illegitimate child, he had no relation alive on her ſide, of ſufficient authority or reſolution to vindicate his right. His grandfather the Duke of Buckingham, had died ſeveral years before this period; and his Dowager, had ſhe known that he was alive, was too deeply intereſted, on account of her own daughter, who by the family ſettlement was heir at law to the whole Angleſey eſtate. And Lady Altham his mother, was at that time in England, in a moſt deſtitute, languiſhing, helpleſs ſtate, deprived of the uſe of her limbs, for the moſt part cloſely confined to her bed, deſerted by the few acquaintances ſhe formerly had, ſecreted from the world, and every way diſabled from aſſerting her ſon's right, even if ſhe had been appriſed of his being alive; and in all probability ſhe was not, as it had been ſo confidently reported, without contradiction, that he was dead. He had likewiſe the misfortune of being unknown to people of rank and figure, becauſe his father had never, in any period of his life, cultivated the acquaintance of ſuch; and his repeated irregularities and indiſcretions (not to call them worſe) had totally ſequeſtred him, long before his death, from the ſociety of all perſons of quality and credit. Beſides, the unlucky circumſtance of the unhappy youth's having ſecreted himſelf at this critical time, on account of his uncle's machinations againſt him, not only gave credit to the report of his death, but deprived him of the opportunity of ſhewing himſelf, and uttering his complaints, and of the chance of ſpiriting up any one to eſpouſe his cauſe; ſo far at leaſt, as to call in queſtion his uncle's right to take his ſeat in the houſe of peers. To which may be added, the almoſt univerſal diſregard paid by mankind, to the diſtreſs of others, and indeed to every act of oppreſſion or injuſtice that does not immediately concern themſelves, or ſome one they are nearly intereſted in.

Thus far all circumſtances concurred, to favour the uſurper's ſchemes; and it is now to be obſerved, 1mo, That by a ſtanding reſolution of the houſe of lords of Ireland, made ſome years before, it was ordered, that upon the death of any peer of that houſe, the next heir ſhould enter a certificate in the herald's office, of the time of his death, and what iſſue he left. 2do, That the method of admiſſion of a peer into the houſe of lords of Ireland, was by application to the lord chancellor, for a writ of ſummons to take his ſeat in the houſe,

and upon obtaining ſuch writ, he was admitted of courſe. 3tio, That the chancellor uſually granted ſuch a writ, upon a certificate from the herald's office being produced to him, without further enquiry, unleſs oppoſition was made by ſome other claimant. 4to, That Mr. Windham, an Engliſh gentleman, who was an abſolute ſtranger in Ireland, had been appointed to that high office, but a few weeks before Lord Altham's death, and had but juſt then arrived in Ireland; and was unacquainted with the deſcents and private circumſtances of families, which was another circumſtance highly favourable to the accompliſhment of this wicked ſcheme. The only difficulty therefore now remaining, was to procure a proper certificate to be entered in the herald's office, certifying that Arthur Lord Altham died without leaving iſſue, which was brought about in the following manner. The uſurper finding that the report ſo induſtriouſly ſpread by himſelf and his emiſſaries, of his nephew's death, gained credit by his diſappearance, boldly ventured to apply to Mr. Hawkins the then king at arms, to enter a certificate in the regiſter of his office, of the death of his brother without iſſue. Mr. Hawkins ſtartled at the propoſal, expreſſed his ſurprize to him at this application, as it was ſo well known his brother left a ſon. The other far from alledging at that time, that his brother never had any ſon, as he has lately done; aſſured him in the moſt ſolemn manner, that his nephew died ſometime before of the ſmall-pox. Mr. Hawkins not ſatisfied with that paliative anſwer, replied with ſome warmth, that it could not be, for that he had ſeen him in the ſtreets, not long before, and then turned his back upon him. Being thus diſconcerted, he went away greatly diſturbed in his mind; in ſo much, that his diſcompoſure manifeſtly appeared to all that ſaw him [11]. However, he ſtill continued to negociate that matter with Mr. Hawkins, by the interpoſition of ſome agents, till at

[11] This diſpute being obſerved by ſome gentlemen who were within hearing, in the antechamber at Dublin caſtle; they aſked Mr. Hawkins the reaſon of it. He being in a great paſſion, told them, the villain, for ſo he was pleaſed to call him, would have me enter, in my office, a certificate that his brother died without iſſue, tho' I know he left a ſon, and ſaw him lately in the ſtreets. This is a true ſtate of that interview between Mr. Hawkins and the uſurper, which was unknown to Mr. Anneſley, and all concerned for him, as many other facts of very great importance were, till after the famous trial between him and his uncle in the year 1743 was over. However, it is very remarkable, that what the uſurper ſaid to Hawkins on this occaſion, concerning the death of his nephew, exactly agrees with the account he gave of him afterwards to many others; in which ſtory he perſiſted uniformly, till after his arrival in England from America.

length, by repeated aſſurances of the death of his nephew, and other means eaſy to be conceived, Mr. Hawkins was prevailed upon to connive at the regiſtration of the certificate, in the terms abovementioned; by which means he afterwards obtained a writ of ſummons to the houſe of peers. It is therefore evident, that the chancellor was ſurpriſed and impoſed upon by this certificate; as indeed any other Lord Chancellor, and much more a mere ſtranger, might have been by ſo artful a contrivance; for he could not ſuppoſe, or even ſuſpect, that any man would be guilty of ſo bold and daring an impoſture, in a matter of that importance.

Tho' the uſurper had thus intruded himſelf into a ſeat that was the right of another, his new dignity was yet precarious, and might prove dangerous, while the living obſtacle to his ambition, and object of his guilt, was ſtill forthcoming, and and upon the ſpot. His arts, tho' hitherto ſucceſsful, by his nephew's not daring publickly to diſcover himſelf, were ſtill liable to be blaſted, and turned againſt himſelf, if he ſhould appear: for, ſome generous perſons might in that caſe poſſibly be moved to compaſſionate his hard fate, to intereſt themſelves in his favour, and procure him juſtice [12]. He therefore could not be at reſt till he executed his firſt reſolution, of removing him out of his way. For that purpoſe, he concerted meaſures with ſeveral people deeply concerned in purchaſes of reverſions upon the Angleſey eſtate; whom he urged by that powerful argument, their united intereſt, to aſſiſt him in this conveyance. He firſt opened himſelf to a merchant of note in the city of Dublin, who was concerned in ſhips trading to America; but be being a man of probity, averſe to ſo wicked a conſpiracy, he not only expreſſed his abhorrence of it, and endeavoured to divert him from his purpoſe, but told him plainly, that he would not, for the whole Angleſy eſtate, be concerned in a thing of that nature [13]. He then applied to one Stevenſon, who

[12] That the hapleſs youth's publick appearance would have raiſed him friends, and proved a bar to the uſurper's admittance into the houſe of peers, is more than probable, nay, is certain. For it appeared on the trial, he had with the uſurper, in the year 1743, from the teſtimony of counſellor Tigh, a perſon of great worth and learning, that he himſelf did intend to have ſet up his title, had he not been carried away ſoon after he came acquainted with him.

[13] This gentleman had mentioned Lord Altham's having left a ſon, who was the true heir to the eſtate and honours of the Angleſey family, and his being kidnapped by his uncle, to many perſons of credit in the city of Dublin, in the year 1737, immediately after the death of Arthur the late Earl of Angleſey, and upwards of two years before the firſt account came of Mr. An-

who traded in tranſporting young boys and girls to America for ſale, and was not quite ſo ſcrupulous. This man he found every way fit for his cruel purpoſe. He had purchaſed from Mr. Anneſley's father, for a mere trifling conſideration, the reverſion of a very conſiderable and valuable part of the Angleſey eſtate, to take place upon the death of Arthur then Earl of Angleſey. This purchaſe was alſo confirmed to him by the uſurper, but could not be of any validity, unleſs his nephew was put out of the way; he was therefore as ready as his employer to join in the execution of this deſign. Every thing being now ſettled between them for that purpoſe, and nothing wanting but to ſeize the helpleſs victim, ſeveral ruffians were employed to diſcover, to ſecure, and carry him off.

Tho' the unhappy youth was ſo much intimidated by the firſt attempt that had been made upon him, that he rarely ventured abroad openly, but ſkulked about from place to place in the dark; yet, his uncle's diligence got the better of all his caution; for in March 1727, he was ſeized, and forcibly carried by the uſurper in perſon, on board the James Galley of Dublin, and from thence to Delaware river in North America; where he was landed, ſold as a ſlave, and kept to hard labour, much above his age or ſtrength, for the ſpace of twelve years; during which time he was transferred from one maſter to another. Mean while Arthur Earl of Angleſey, who was then in England, and unacquainted with what had really paſſed; hearing that Lord Altham and his ſon were both dead, he was ſo doubtful as to the ſon, that tho' he was alſo deeply intereſted to connive, yet he wrote to one Dixy, who was his agent and receiver in Ireland, expreſſing his doubts; and ordered him to make enquiry what was become of him, before he took poſſeſſion of the New-Roſs and Meath eſtates, in virtue of the remainder he had in them by the family ſettlement. Dixy, upon euquiry, being told he was dead, accordingly took poſſeſſion for the Earl [14]. But Earl Ar-

Anneſley's being diſcovered in the fleet commanded by Admiral Vernon in the Weſt Indies. And at the ſame time acquainted them with the application that had been made to him by his uncle, immediately after the death of Lord Altham his father, to tranſport him; a circumſtance which muſt give great weight to his evidence, and put that matter beyond all doubt; and which makes it the more to be regreted, that the claimant could not have the benefit of his teſtimony on the abovementioned trial in the year 1743; tho' he has ſince been examined in order to perpetuate his teſtimony.

[14] Upon the firſt arrival of the account of Mr. Anneſley's being diſcovered in the Weſt Indies, and its becoming a publick topic of converſation,

Arthur being afterwards informed, that Lord Altham's ſon was not dead, but ſpirited away by ſome means or other, he directed ſearch to be made for him, without any effect; and afterwards often expreſſed great uneaſineſs at the bad ſucceſs of his enquiry, to many perſons of worth, with whom he had converſed; but more eſpecially, when he found himſelf in the decline of life, in a bad ſtate of health, and deſpaired of having any iſſue of his own; for he then dreaded being ſucceeded

tion, Dixy told ſeveral perſons of credit, in and about Drogheda, the place of his abode, that Lord Altham certainly had a ſon; that Arthur Earl of Angleſey had wrote to him to enquire for him ſoon after his father's death, but he could not find what became of him; that it was ſaid he was dead; but he had reaſon to believe he was ſpirited away; and that he had a letter of Earl Arthur's to him concerning him, in his hands but a few days ago; and he even read the letter to ſome of his acquaintances; yet, this man never could be prevailed upon, after Mr. Anneſley's arrival in that kingdom, to diſcloſe that fact, or to produce the letter, or give any evidence concerning it, though often applied to, and legally called upon, and even threatened, for that purpoſe, that proceſs of contempt and diſtreſs ſhould be iſſued againſt him, if he did not appear. For Mr. Mac Kercher having received intelligence of this diſcovery, on his firſt arrival in Ireland with Mr. Anneſley, from the very perſons that Dixy himſelf had communicated it to; and being formerly in ſome degree of intimacy with him, he repeatedly, not only attempted to ſee him, but wrote in the moſt pathetic manner to him concerning it, without any effect; for he carefully abſconded, in order to avoid a perſonal conference, and declined making any return to his letters. Mr. Mac Kercher finding that all other attempts of coming at him were in vain, had him ſerved with the abovementioned compulſory proceſſes the enſuing year, whereby he was charged to appear, and give evidence on a commiſſion from the high court of chancery of Great Britain, which was then executing at Dublin, and alſo on the trial between Mr. Anneſley and his uncle; to neither of which he paid any regard; tho' he was a very timorous cautious man, and much afraid of incurring the diſpleaſure of courts of law. This invincible obſtinacy, in a man of that genius and turn of mind, ſurpriſed all that knew him, and made them conclude, he muſt be reſtrained by ſome powerful means or other; when lo, the myſtery at length came out, that he was retained by Francis Anneſley of the Middle temple, as his agent and receiver, with a good ſalary; and that he declined to appear, becauſe his evidence muſt hurt his employer. However, Mr. Mac Kercher being at Drogheda, ſoon after the trial was over, and after Mr. Anneſley had obtained a verdict in his favour; he took that opportunity, with another gentleman, to ſurpriſe Dixy at his own houſe; and expoſtulated roundly with him upon that ſubject, and ſtrenuouſly inſiſted on the delivery of the letter. Dixy ſurpriſed by the unexpected viſit, and graveled by the proofs of his former declarations, could not but acknowledge that he had once ſuch a letter; and fairly owned that he had given it away, and that it was not then in his hands; but obſtinately refuſed to diſcover who he had delivered it to. This, among many other inſtances of the ſame kind, ſerves to manifeſt, the great pains and influence uſed by the adverſe party to ſtifle all manner of evidence in favour of the claimant.

ceeded in his honours and eſtate, by the preſent poſſeſſor of them, whom he always held in the utmoſt contempt and deteſtation.

During the claimant's abſence in America, ſeveral of his father's old ſervants, neighbours, and others who were acquainted with the affairs of the family, who knew that he had a ſon, and had not heard of the death of that ſon, were ſurpriſed at his uncle's uſurping the honours of the family. Some of theſe took the liberty to aſk him, what was become of Mr. Anneſley his brother's ſon? On all ſuch occaſions, he conſtantly aſſerted that he was dead; and in this ſyſtem he continued, during the whole time of the unhappy youth's ſervitude abroad, and for ſome ſhort time after his arrival in England, tho' with ſome variation. How he came to alter his language ſince, and to ſet up another defence, quite inconſiſtent with all his former declarations, he himſelf can beſt explain [15]. On the other hand, the claimant himſelf, while he continued in that ſtate of ſlavery, informed many perſons of his birth, the manner of his being forcibly carried away, and of his right to the eſtate and honours of the Angleſey family, after the death of the then Earl; tho' he was more reſerved and ſparing of ſuch declarations, on his firſt arrival in thoſe parts, than he otherwiſe would have been, on account of a caution given him before he was put on ſhore, not to mention who he was, otherwiſe he would be murdered. This, however, did not deter him from communicating himſelf to

[15] On the firſt arrival of the claimant in England, his uncle ſtill continued to aſſert that his nephew was dead; but in lieu of ſaying that he died about the ſame time with Lord Altham his father, as he had done all along before, he then pretended, that he died about three or four years of age; which was exactly the caſe with Landy's ſon, whom he now endeavours to ſubſtitute in his place; and alſo pretended that he had a certificate of the death and burial of his nephew when about that age, in his cuſtody. Happy it was for Mr. Anneſley however, that he did not adhere to this defence; if he had, by admitting that Lady Altham had a ſon, and producing a few of the ſame witneſſes that he exhibited on the trial at bar in the year 1743, to prove the death and burial of that ſon; all the evidence of Mr. Anneſley's witneſſes, except thoſe who could prove his identy from his birth downward, muſt, by that means, have been intirely cut off. But the truth is, that he was bewildered, by a multiplicity of untoward circumſtances, that equally threatened, to unhinge and ſap the foundations of every ſyſtem he contrived; and thus confounded between one ſcheme and another, which were all equally dangerous, he was at length obliged to fix upon one; but when it came to that paſs, in place of admitting Lady Altham had a ſon in Ireland that died young, as he had always done before, he then aſſerted ſhe never had a ſon, or any child in Ireland; and in this ſyſtem he is now obliged to perſiſt.

to ſuch as he could place a confidence in; for, ſome time after his arrival there, he met with ſeveral perſons who had known him in his infancy. To them he open'd himſelf very freely; and one of them, now a very conſiderable merchant and planter in New York, purpoſed to bring him home; and would have carried it into execution, had he not been diſſuaded from the undertaking by his wife's relations, on account of the great expence, and other inconveniencies it would be attended with to his affairs, beſides the difficulty of aſcertaining his right, and the diſtant proſpect of being repaid. However, it is very remarkable, that even at this tender age, and under the diſcouraging circumſtances he ſtruggled with, he all along maintained his birth-right on every occaſion, as well there, where his declarations were attended with danger to his life, and could be of little other uſe than to expoſe him to the ridicule of ſuch as were unacquainted with the reality of his pretenſions, as he had before done in Ireland, where his birth was well known, and where any impoſture relating to it, muſt have been infallibly and immediately diſcovered.

On the death of Arthur late Earl of Angleſey, which happened in April 1786, the preſent Earl, taking further advantage of the abſence of his nephew, who ſtill remained a ſlave in America, immediately ſeized, as if he had been the next heir, on the honours of Earl of Angleſey, and Baron Newport Pagnel in England, and Viſcount Valentia, and Baron Mount Noris of the kingdom of Ireland, as he had done before on that of Lord Altham; and poſſeſſed himſelf of as much of the Angleſey eſtate as he could get into his hands. But, the right to the whole eſtate, being on that occaſion diſputed with him, by one Charles Anneſley, who had taken poſſeſſion of a great part of it; and their conteſts running very high, they mutually threatened each other, to find out Lord Altham's ſon, to bring him home, and ſet up his title. However, as they found it their reciprocal intereſt, not to carry their threats into execution, that conteſt ended in a compromiſe, to divide the ſpoil between them two, and Francis Anneſley of the Middle-Temple, who was alſo privy to the claimant's right, and had artfully brought about the accommodation on that condition. Soon after this compromiſe was concluded, freſh diſputes aroſe between them, about the partition of the eſtates; for, as the other two found that Lord Angleſey was obnoxious, for having tranſported his nephew, and that he had been frightned into a compromiſe on that account; they took advantage of that circumſtance to extort from him more

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than came to their ſhares. This new conteſt continued, till an account came of the claimant's being diſcovered, in the fleet commanded by admiral Vernon in the Weſt Indies; and came to ſuch a degree of rancour and ill-humour between them, that Lord Angleſey, impatient of being ſo teazed, again declared, that rather than be plagued by them any longer, he would ſurrender the eſtate to his nephew Jemmy, and take what he would give him, and go to live in France; and with this view, he fixed upon one Hays, to teach him French. Notwithſtanding the virulence with which theſe diſputes were carried on, in the abſence of the claimant, he no ſooner appeared in England, and commenced his ſuit, than they again came to a freſh accommodation; whereby Lord Angleſey, prompted by fear, gave up to Charles and Francis Anneſley many large eſtates, to which they had no ſhadow of right; and then they all three united together in a cloſe confederacy againſt him. But as there were other relations that had no pretenſions at all, nor any ſhare in their conteſts, who were in the fatal knowledge of the claimant's birth, and the juſtice of his claim; it became neceſſary to ſecure them alſo, particularly one Francis Anneſley of Ballyſax and his family. He was therefore gratified, by a free grant of a very valuable eſtate of above 500 l. a year, with remainder to his children, and on failure of ſuch iſſue, to his brother; by which means all that family, who could have been very material witneſſes for the claimant, were not only ſilenced, but ſeduced to be his enemies [16]. One thing however is very remarkable

[16] While Lord Altham lived at Kinna in the county of Kildare, the claimant, then about five years old, was often in this family of Ballyſax, which was in the neighbourhood of Kinna, for ſeveral days together; and was treated by the whole family, with the utmoſt reſpect and tenderneſs, as the preſumptive heir of the Altham and Angleſey family; it was therefore highly neceſſary to quiet them. But, a new incident happened afterwards about the time of the trial at bar, that was between the claimant and his uncle in the year 1743, that gave the whole confederacy, and particularly this family of Ballyſax, great diſturbance. An aunt of theirs, one Mrs. Anneſley of Ballyſhannon, an old lady of ſingular virtue and reſpectable character, whoſe integrity the confederates durſt not attempt to corrupt, had all along declared her knowledge of Lord Altham's having a ſon, and uſed often to enquire, what was become of him, after the death of his father. This lady's declarations being communicated to Mr. Mac Kercher, by one of the claimant's council, about the beginning of the trial, he immediately diſpatched a gentleman with a ſubpœna to bring her to Dublin, to give evidence in the cauſe. Her nephew Francis Anneſley, and his family, having intelligence thereof, were greatly alarmed and diſturbed; they immediately repaired to her

markable in the diſputes between theſe parties, that well deſerves to be conſidered; which is, that the ſame ſcandalous contrariety of evidence, appeared in their proceedings againſt one another, as was complained of in the trial they afterwards had with the claimant. From which, the reader may draw ſuch inferences, as his own ſenſe of that matter ſhall direct him.

In the year 1739, the claimant, after twelve years ſlavery, found means to ſhip himſelf as a ſailor, on board a veſſel bound from Philadelphia for London; which veſſel touched at Jamaica, where admiral Vernon then was with a ſquadron of Britiſh men of war. On his arrival at that iſland, he went on board the Falmouth, one of his majeſty's ſhips, and then openly declared who he was, and his right to the honours and eſtate of the Angleſey family. This circumſtance made a great noiſe in the fleet, and one Simpſon, who claimed ſome relation to Lord Angleſey's Iriſh wife [17]; at that time an officer in the navy, believing he was an impoſtor, and himſelf in ſome meaſure obliged to examine and detect him, went on board the Falmouth for that purpoſe; inſinuated himſelf into his company, and having heard the account he gave, could not (in ſpite of his prepoſſeſſions) help giving his aſſent to the truth of his ſtory, eſpecially when he conſidered the relator's ſimplicity, and the air of candour and honeſty with which he diſcloſed himſelf. This honeſt man, on his return to his own ſhip, gave an account on the quarter-deck of what he had ſeen and heard, as a very extraordinary occurrence; when one Mr. Bowen, a midſhipman, who had formerly been with Mr. Anneſley at Boon's ſchool abovementioned, declared, that to his certain knowledge, Lord Altham had a ſon in Ireland; that he was at ſchool with him; that he wore ſcarlet cloaths, and was generally attended by a ſervant to ſchool, with ſeveral other circumſtances; that he did not know whether this was the ſame or not; but that if he was the ſame, he would certainly know him again, unleſs greatly

houſe, and in the moſt pathetic terms, with tears in their eyes, remonſtrated to her, that ſhe was going to ruin them all, and earneſtly prayed and conjured her not to appear. But although this good matron had a moſt tender regard for that family, ſhe had ſtill a greater regard for juſtice and conſcience, and therefore was deaf to all their remonſtrances and intreaties. This however is another inſtance of the induſtry of the claimant's adverſaries to ſmother all manner of evidence.

[17] He at this time had another wife alive at Bidiford in Devonſhire, whom he had married above ſeven years before he married this unfortunate woman; which is the reaſon of calling her his Iriſh wife.

greatly altered; for that he ſtill retained a perfect idea of his countenance. Lieutenant Simpſon, in order to put that matter to the teſt, went directly aboard the Falmouth along with the midſhipman; and tho' the deck was purpoſely crowded with ſailors, in the ſame habit, and about the ſame age with Mr. Anneſley; yet, Mr. Bowen no ſooner ſtept upon the deck and eſpied him, than he immediately diſtinguiſhed him from all the reſt; and clapping his hand on his ſhoulder ſaid, This is the man [18]. He was in like manner recognized by others in the fleet, who had known him in his infancy.

A report of what had paſſed being made to Admiral Vernon, he not only ordered him to be taken care of, and treated as a gentleman, but generouſly directed, that he ſhould be ſupplied with ſuch neceſſaries as he wanted. An account of this diſcovery being ſent home, and publiſhed in the news-papers, among other tranſactions of the fleet, it greatly alarmed his uncle, the preſent Earl of Angleſey, and his confederates; who by this time had parcel'd out among them, the whole Angleſey eſtate, and all the other eſtates belonging to the claimant. Indeed, the panic that this diſcovery threw them into, has ſince ſufficiently appeared through the whole of their conduct, to have been ſuch as could proceed only from a thorough conſciouſneſs of this hapleſs man's right, and their own injuſtice.

However, the early intelligence the confederates had of his being diſcovered, gave them many great advantages over him; of which they made a notable uſe, eſpecially in the county of Wexford, where he was born. For Lord Angleſey and his confederates were in poſſeſſion, not only of the very place of his nativity, and the country round it, but alſo of the populous town of New Roſs, which had formerly belonged to his father, and of many great lordſhips and manors in the neighbourhood. And the noble Lord, by changing ſides, from the gentleman by whoſe means chiefly he had got poſſeſſion of his eſtate in that county, and joining with the oppoſite party, who had the greateſt influence on that ſide of the country where the claimant was born, ſecured them in his intereſt [19]. Thus

[18] Upon the claimant's arrival at Dublin, two years after this interview with Mr. Bowen in the Weſt Indies, Mr. Boon their ſchoolmaſter, and ſuch of his other ſchool companions as he happened to meet with, knew him at firſt ſight, and agreed in every particular with Mr. Bowen's account of him, when at that ſchool.

[19] This county is unhappily divided into two parties, each of which is headed by a gentleman of conſiderable fortune, and their animoſities are carried

they proceeded without controul, for above two years after the claimant was diſcovered, before his return from the Weſt Indies, ſtrengthening themſelves by uſeful allies and mercenary friends round the place of his birth; and arming themſelves with artful defences againſt the claim of a weak, friendleſs, and moneyleſs adverſary, by all the means that wealth, power, influence, and territory could furniſh; or that perſons of their genius and turn of mind could invent or employ. They not only knew who could give the moſt material evidence of the claimant's legitimacy, but the readieſt methods of coming at them; and as they had ſufficient time, and the proper means of applying to their paſſions and intereſts, in his abſence, it may be eaſily conceived by ſuch as know the men, and the weight of their influence in that county, what progreſs they muſt have made before he could appear there.

In October 1741, the claimant arrived in the river Thames from the Weſt Indies; and the firſt perſon he addreſſed himſelf to for aſſiſtance and protection was Lord Haverſham, a relation to the Angleſey family, then married to his aunt, ſiſter to the preſent Earl of Angleſey. This he did by a letter from on board the ſhip, not knowing how deeply that noble Lord

carried to ſuch a height, in elections and other party-affairs, that all other conſiderations yield to them, and even the adminiſtration of juſtice is often affected by them; eſpecially when their party-intereſts are any way concerned in the iſſue. At the death of the late Earl of Angleſy in 1737, the poſſeſſion of his eſtate, in the county of Wexford, being conteſted with the Earl of Angleſey, by one Charles Anneſley; the Earl was on that occaſion put in poſſeſſion of that whole eſtate, by the aſſiſtance of a gentleman who is at the head of one of thoſe parties. This good office naturally engaged him to join his own with that gentleman's intereſt, whereby it was conſiderably ſtrengthened. But finding afterwards, upon the claimant's being diſcovered, that the oppoſite party's intereſt was the ſtrongeſt, and had the greateſt influence round the place of his birth, he all of a ſudden changed ſides, deſerted his friend, and joined his opponents. By this means, the diſputes between him and his nephew hath artfully been turned into a party conteſt in that county, in which his new allies have ever ſince proved of great and ſingular ſervice to him. On the other hand, as the claimant has no intereſt at all there, wherewith to ſerve either party, he hath no friends in that country, beſides thoſe that a conſciouſneſs of the juſtice of his cauſe, and their own knowledge of his birth, have attached to him; and many even of theſe, have been ſeduced by the influence of the oppoſite party, to obſerve a profound ſilence, of what they know concerning him. And thoſe of that county, who have been ſo conſcientious as to give their teſtimony for him, have ever ſince been maltreated and perſecuted by that faction, in ſuch a manner, as to deter many more, who at firſt declared very openly in his favour, from giving evidence when called upon for that purpoſe; of which numerous inſtances could be produced, if neceſſary.

Lord and his Lady were intereſted to be his enemies. In that letter, among other things, he ſets forth, that he is the ſon of Lord Altham, and greatly injured by his uncle. This noble Lord, notwithſtanding his being intereſted to oppoſe his pretenſions, at firſt ſhowed an inclination to receive him, and had even appointed a perſon to go to the ſhip for him; but was diſſuaded from it by his lady, who, beſides her inveterate enmity to the young gentleman's mother, conſulted her own intereſt more than her Lord did [20]. When he came to town from on board the ſhip, the next perſon he applied to for advice and aſſiſtance, was a man of the law, nearly related to the families of Angleſey and Altham, and well acquainted with all their affairs; who, in caſe he had been a baſtard, or an impoſtor, muſt not only have known it, but have treated him as ſuch; and therefore was the moſt improper perſon in the world for him to have applied to, had he entertained any doubt about his own legitimacy, or been in the leaſt conſcious of an impoſture. This man, far from alledging either, far from upbraiding him with the falſhood of his pretenſions, as he ought, and no doubt would have done, had the fact been ſo, treated him with great civility, and ſeeming kindneſs; aſked him to eat; and told him in a mild obliging manner, he was ſorry he could not meddle in that affair himſelf; but adviſed him to go to Ireland, alledging, that was the proper place for him to commence his ſuit in, for the recovery of his right; and at the ſame time gave him a piece of money, and diſmiſſed him in a friendly manner. Can it be preſumed by any unprejudiced perſon, that a man, conſcious of his being an impoſtor, would have had the aſſurance to make thoſe applications? Or that Francis Anneſley, the ſagacious Francis Anneſley of the Middle-temple, however unexpectedly ſurpriſed, or unprepared for ſuch a viſit, would have behaved in this manner, had he known, or even ſuſpected him to have been ſuch? But the truth is, that ſuch an unlooked-for addreſs, from a perſon ſo egregiouſly injured, together with a conſciouſneſs of the truth of what he aſſerted, had diſconcerted him to ſuch a degree, that he had neither time nor preſence of mind, to fix on any plan of conduct, and therefore followed the impulſe of nature and juſtice.

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[20] Lord Angleſey, upon the marriage of his ſiſter to Lord Haverſham, with whom ſhe had lived ſeveral years before in an unmarried ſtate, ſettled an annuity of three hundred pounds upon them for life, and gave them a bond for four thouſand pounds, which was not then paid; by which means they became intereſted to oppoſe the claimant.

The news of the claimant's arrival in England, having reached his uncle the Earl of Angleſey and his confederates in Ireland, revived their former alarms and diſquietudes, which had been in ſome meaſure ſoothed by the early precautions taken to defeat him, in caſe he ſhould, contrary to the expectations of the party, eſcape the noxious climate he was in, and the danger of the ſea and war; and they now returned upon them with redoubled force. The conſternation which the unexpected return of this formidable, pretended baſtard, threw them into, ſoon manifeſted itſelf in every part of their conduct. The noble Earl himſelf, fluctuating between hope and deſpair, talked of nothing but a compoſition; while, at the ſame time, moſt of the eminent lawyers, both within and without the bar of both kingdoms, were immediately retained by ſome one or other of the confederates, before any ſuit was commenced. Nay, when Mr. Francis Anneſley had time to reflect, and conſider his intereſt more coolly, he alſo retained ſeveral council in England, by way of prevention; tho' no ſuit has yet been inſtituted againſt him, in that kingdom.

The Earl of Angleſey finding, ſoon after the claimant's arrival at London, that one Mr. Mac Kercher had given him a retreat at his houſe; left no expedient he could think of untried, to perſuade that gentleman to abandon him. Several attornies, and other emiſſaries, were employed to remonſtrate to him the danger of attacking the title of ſo powerful an adverſary; the great expence, beſides the improbability of ſucceſs, attending ſuch an enterprize, againſt a perſon armed with the privileges of peerage in both kingdoms, poſſeſſed of ſo great an eſtate, and fortified by ſo numerous and powerful a party as was linked in intereſt with him. To all theſe inſinuations, he gave one general anſwer, that he had formed no reſolution about the part he himſelf ſhould act in that affair; but that the great induſtry uſed to diſſuade people from ſupporting the unhappy young gentleman, added to many other circumſtances, was to him a convincing argument of his being no impoſtor; and if he found his claim was well grounded, his adverſaries power ſhould not make him withdraw his aſſiſtance, or abandon a forlorn hapleſs man, to be cruſhed by the weight of his uncle's undue influence. It was then propoſed by one of the emiſſaries, that if the claimant would accept of a commiſſion, and conſent to go abroad, a lieutenancy ſhould be provided for him; which offer was alſo rejected.

The noble Peer meeting with ſo little ſucceſs from the negotiations of his emiſſaries, deſired a perſonal conference with

Mr.

Mr. Mac Kercher, undertaking to convince him that the claimant was an impoſtor, and no other than the baſtard ſon of his brother by a kitchen-wench. Tho' that gentleman had by this time received accounts from a perſon he had purpoſely ſent to the place of the claimant's nativity in Ireland, that his birth was publickly known in that country; and tho' he had reaſon, from many other concurring circumſtances, to believe his pretenſions were well founded; yet, he had at that time, no fixed intention, to embark in an affair of ſuch conſequence, farther than by giving the unhappy young gentleman a ſafe retreat at his houſe; helping him, in ſome meaſure, to make up the defects of his education; putting him in a proper method of enquiry into the proofs of his birth, and if theſe ſhould appear in his favour, to endeavour to procure him the protection and aſſiſtance of others along with his own, to obtain his right. As he was very anxious to have the laſt point cleared up, as much as poſſible, by hearing what each party had to ſay; he deſired the meſſenger to acquaint Lord Angleſey, that he would wait on him; and that nothing could give him greater ſatisfaction than to know the truth, in a matter of ſuch importance, on whatever ſide it might be. He accordingly met Lord Angleſey in St. James's Park, and found him accompanied by three other perſons, whom he underſtood to be one Thompſon Gregory, an exciſeman from Waterford, and brother to Miſs Gregory, ſo often mentioned; one Kavenah, a dancing-maſter from Dublin, at whoſe houſe the claimant had been ſecreted in the year 1724, when it was given out that he was dead; and one Mr. Nudigate, known to him by his frequent attendances on him from Lord Angleſey. The noble Peer received him with great courteſy, and regreted that he had been impoſed upon, and drawn in to protect a perſon who, as he ſaid, was publickly known to be a baſtard, and an impoſtor; but, inſtead of entering upon the pretended convincing proofs he had undertaken to give of the claimant's illegitimacy, what he alledged only tended to prove, that he was publickly known to have been in a very deſtitute, forlorn condition in Dublin, for the ſpace of two or three years before Lord Altham's death; and from that circumſtance alone, concluded him to be a baſtard, appealing to Gregory, Kavenah, and Nudigate, for the truth of what he had aſſerted. Mr. Mac Kercher readily admitted the premiſſes, but would by no means admit the inference that the noble Lord drew from it; and maintained, that the circumſtance which he built ſo much upon, only ſhewed Lord Altham to have been a very

weak man; in ſuffering himſelf to be ſeduced by the arts of an abandoned woman, and other wicked tools, to withdraw his protection from a child, of whom he had always been doatingly fond from his birth; and who, even in that forlorn ſtate, now urged againſt him, was owned by himſelf, and known and reputed by many other perſons of good credit, to be his lawful ſon and heir.

The noble Lord finding that his reaſoning had not the effect he wiſhed for, broke out into a moſt immoderate and indecent fit of railing againſt the young gentleman. After he had declaimed for ſome time in that ſtile, Mr. Mac Kercher took the liberty to interrupt him, and to put him in mind that he came there, not to hear the young man railed at, in ſo unbecoming a manner, but to hear his reaſons againſt his pretenſions. He further urged, that, if he was the baſtard of a kitchen-wench, as alledged by his Lordſhip, he had acted very inconſiſtently in tranſporting him to America in a clandeſtine manner; becauſe, even as his brother's baſtard, he was entitled to his protection; but that ſo violent and unwarrantable a proceeding, had given all the world reaſon to believe, he was ſomething more, ſomething that ſtood in the way of his Lordſhip, who had taken ſuch extraordinary pains to remove him. The noble Lord ſwore, with many imprecations, that he was tranſported for felony; but, upon Mr. Mac Kercher's happening unguardedly to ſay, if that was the caſe, it muſt appear on record, he immediately corrected his error, changed his note, and ſaid, that he had voluntarily agreed to be tranſported without conviction, and that he had his indenture now by him; and for the truth of what he aſſerted, appealed again to his three worthy friends [21]. After many fulſome compliments beſtowed to Mr. Mac Kercher, he with great earneſtneſs entreated him, not to ſuffer himſelf to be drawn in to be concerned for that impoſtor and blackguard, as he was pleaſed to call him, and at the ſame time again appealed to the abovementioned perſons, whether he was not a blackguard in Dublin ſeveral years. Mr. Mac Kercher being no ways ſatisfied by his Lordſhip's reaſoning, and

[21] Lord Angleſey was at a loſs even after the arrival in England how to account for the tranſportation of his nephew, and he often varied in his account of it. To ſome he alledged, that he had indented himſelf, that he had no hand in it, and that he had his indenture in his cuſtody; and to others, that he was tranſported for felony. But the falſhood of both theſe pretences, was clearly proved on the trial between them in the year 1743, when no indenture was produced, nor any defence made to that point.

and too well acquainted with the characters of the other three, to lay any ſtreſs on what they ſaid; plainly told the noble Lord in their preſence, that the declarations of ſuch people had no manner of weight with him; and if he had no better proofs to offer, he muſt beg leave to ſuſpend his opinion of that matter, till it ſhould be determined in a judicial way. He alſo at the ſame time added, if his Lordſhip was in the right, that it was every way for his honour, as well as his intereſt, to promote ſuch a determination, with all the expedition poſſible; not only by waving his privilege as a peer, but even by enabling the claimant to make the beſt plea for himſelf, that the nature of his caſe would admit, in order to bring it to a fair, open, and legal trial, either here or in Ireland: for, if this young man was really a baſtard, and as publickly known to be ſo as his Lordſhip had inſinuated, he could be under no difficulty to prove him ſuch; and he would by that means not only get rid of him, but wipe off the reproach and ſcandal this affair had brought on his character, in the eyes of the world; and prevent many other inconveniencies that muſt reſult from declining or poſtponing this expedient. He in appearance highly approved of the advice, and declared that he would not only wave his privilege directly, but cauſe it to be publiſhed in the next Gazette that he did ſo, and promote a trial with all poſſible expedition.

Mr. Mac Kercher, in lieu of the extraordinary method propoſed by his Lordſhip, deſired his leave for a gentleman of the law to wait on him, to take the waver of his privilege in writing in the uſual and ordinary way: which propoſal being agreed to, Mr. John Paterſon, ſollicitor for the city of London, a gentleman who hath freely and generouſly beſtowed his labour in this cauſe, without fee or reward, as a ſolicitor, accompanied by Mr. Iſaac Strutt of Chancery-Lane, waited on him the next day for that purpoſe, in behalf of the claimant. But they no ſooner opened the nature of their buſineſs to him, than he, ſtung to the quick, burſt out into a flood of tears, and with great perturbation of mind, proteſted to them in a moſt ſolemn manner, that he was greatly injured. He however, declined giving them any writing under his hand, to ſignify his waving his privilege; but ſolemnly promiſed, that he would publiſh in the next Gazette, that he did wave his privilege. Theſe gentlemen thereupon left him, not doubting of his punctual compliance with what he had ſo freely offered, and ſo ſolemnly promiſed; but ſeeing no appearance of his performance, they, in a few days after,

waited on him again, to refreſh his memory; when he plainly told them, that he had thought better of the matter, and was adviſed not to wave his privilege; by which means, the claimant was under a neceſſity of deferring all proceedings againſt him, till after the riſing of the parliament.

But it is very manifeſt, from the whole future conduct of the claimant's adverſaries, that they never intended this affair ſhould ever come to a legal trial, if they could poſſibly prevent it. For, they have all along kept in view, a more certain and more expeditious method of puting an end to it than by law; and have for that purpoſe, practiſed all the arts of chicanery and delay that could poſſibly be contrived, to ſtave off any trial, in order to have time and opportunity to carry their deſigns into execution. The claimant no ſooner arrived in England, than a ſhip called the Angleſey galley was, without the leaſt pretence of buſineſs, or other reaſon offered for ſuch an expedition, immediately diſpatched over from Dublin to the port of London, in the very worſt ſeaſon of the year, with ſeveral land ruffians beſides the ſailors, aboard. Thoſe bravoes, as ſome of themſelves have ſince acknowledged, had great coats, with deep pouches for concealed arms, made for them before they left Dublin, by the particular direction of Lord Angleſey. And when they arrived in the port of London, Thomas Stanley and Michael Morgan, (two of the number, but neither of them ſailors) who were intruſted with the conduct and execution of the ſcheme, waited on their patron, and had proper arms delivered, by his ſpecial order, out of the arm cheſt of the ſaid ſhip, for themſelves and accomplices; and alſo had directions to go in queſt of the claimant, and to ſeize upon him dead or live, with a promiſe of a conſiderable ſum to each, in caſe they ſhould ſucceed. Thus accoutred, they ſallied out, and hunted for the claimant nine days without ſucceſs; he having very fortunately for himſelf, removed about that time from his firſt lodging to another quarter of the town; by which means, he eſcaped the ſnare laid for him.

Thoſe aſſaſſins, or others employed for the ſame purpoſe, being afterwards informed, that he was at Mr. Mac Kercher's houſe in Weſtminſter, they lurked about that quarter of the town for ſeveral days, till intelligence was brought, that ſome ſuſpicious fellows, armed in an extraordinary manner, hovered about the neighbourhood, and made enquiries about one Mr. Anneſley, which ſavoured ſtrongly of a deſign againſt him. Mr. Mac Kercher, preſently gueſſing from what

quarter they were ſent, and apprehenſive they might find ſome unguarded opportunity to execute their deſign, conveyed him, for his greater ſecurity, to a retired place in the country, near Staines [22].

He

[22] The whole of this conſpiracy, with many circumſtances relating to it, was diſcloſed about fifteen months afterwards by the mate and carpenter of the ſhip, to ſome perſons of the city of London, who informed Mr. Mac Kercher thereof; and he immediately had them examined concerning the matters alledged, in preſence of ſeveral gentlemen. It appears, by the depoſitions of the mate and carpenter, That as ſoon as an account was received at Dublin of the claimant's arrival in England, the abovementioned Angleſey galley, was ordered round from Dublin to the port of London in Winter 1741; and that Stanley and Morgan, two infamous ruffians, were treated with unuſual familiarity and confidence by Lord Angleſey, with whom they were frequently in ſecret conſultation before the ſhip ſailed from Dublin: that on the ſhip's arrival in the river Thames, they were often at that noble Lord's houſe, and received by him with extraordinary marks of favour and confidence: that ſome ſhort time after the arrival of the ſhip in the Thames, Stanley and Morgan came to the mate and carpenter of the ſhip, who had the cuſtody of a cheſt of arms that was on board, and demanded piſtols and cutlaſſes to be delivered to them; alledging, that it was by the Earl's orders: but that the mate and carpenter being acquainted with their characters, and ſuſpecting ſo extraordinary an armament of two ſuch ruffians, muſt be intended for ſome wicked purpoſe, peremptorily refuſed to deliver them any arms, without a ſpecial written order under his Lordſhip's own hand: that the ſaid Stanley and Morgan returned in a day or two after, with a written order from the noble Lord, (with whoſe hand-writing they were well acquainted) charging them to deliver to each of them a caſe of piſtols and a cutlaſs; which the carpenter and mate accordingly did, in the preſence of ſeveral of the ſailors: that they had long pouches purpoſely made on the inſide of their great coats, wherein they carried their piſtols: that the carpenter afterwards frequently heard Stanley and Morgan thus armed, enquire for the claimant at the Yorkſhire-Grey in Wapping, a houſe he often reſorted to, on his firſt arrival from the Weſt Indies: and that they came one day to enquire for him there in leſs than half an hour after he had left it; but that the maſter and miſtreſs of the houſe, ſuſpecting them of ſome bad deſign on his life, denied that he had been there, or that they knew where he was; which laſt circumſtance was confirmed by the people of the houſe: that informations being afterwards given againſt Stanley, Morgan, and others, for ſtreet robberies, they abſconded; and ſtrict ſearch being made for them, Stanley took ſhelter in the noble Lord his patron's houſe, till he had an opportunity of eſcaping to Ireland.

Mr. Mac Kercher being at Dublin about two months after this diſcovery, to prepare for the trial that was afterwards had between the claimant and Lord Angleſey; and being informed that Stanley was there, and concerned in a freſh conſpiracy that was then hatching againſt the claimant, he directed ſearch to be made for him. Stanley was no ſooner appriſed of it, than conſcious of his own guilt, he immediately concluded that it muſt be on account of the abovementioned attempt made by Morgan and him at London; and being terrified leſt he ſhould be tranſmitted

He had not been long there, when a melancholy accident happened, of a poacher's loſing his life, by the accidental diſcharge of a gun, that chanced to be in the young gentleman's hand; which furniſhed his principal adverſary with a handle to deſtroy him under colour of law. This opportunity he eagerly embraced; for, he was no ſooner informed of the misfortune, than he expreſſed the moſt immoderate joy, often repeating it was the luckieſt thing that could have happened; and Lady Haverſham his ſiſter thought it an incident of ſo great conſequence, that ſhe directed it to be celebrated at Farnborough, the ſeat of her brother Lord Angleſey, where ſhe then reſided, by ringing of bells, and a plentiful diſtribution of ſtrong liquors to the populace. The noble Peer himſelf hurried directly to town, conſtituted himſelf his proſecutor, and diſpatched emiſſaries to Staines, by whoſe means the chief evidence were not only corrupted, and ſeduced to deviate from their firſt declarations [23]; but others, who knew

to England, where he was liable to be proſecuted for it, as well as the felonies he had been guilty of; he ſent Mr. Mac Kercher notice, that he knew what he was in queſt of him for; and that if he could depend upon his not being put to trouble, he would frankly diſcloſe the whole. This offer being accepted, he immediately came to Mr. Mac Kercher, and in the preſence of Mr. Charles Caldwell, ſollicitor for the cuſtoms, and alſo for Mr. Anneſley, and afterwards on the ſame day, in the preſence of ſeveral other gentlemen, he laid open the whole ſeries of that inhuman ſcheme; in which he not only exactly agreed in every particular with the mate and carpenter of the ſhip, but produced the original order for the delivery of the arms to Morgan and himſelf; and declared, that they had been nine days in queſt of Mr. Anneſley, by my Lord Angleſey's direction; and that the whole ſcheme was concerted before they left Dublin. As it was then too late in the night, he agreed to come the enſuing morning to give in his examination before a judge; but Lord Angleſey having intelligence of it by his ſpies, he was ſpirited away, and did not appear, till he and ſome others were again detected in a freſh attempt of the ſame nature, for which he was tried; and full evidence appearing of his guilt, he was committed to cloſe confinement in gaol, till he ſhould find good ſecurity for his future behaviour. But what was moſt remarkable, and deſerves particular notice, is, that this low ruffian, who is really a diſgrace to the human ſpecies, was ſupported on his trial by ſix of the ableſt council of the kingdom; and that the Lord chief juſtice Marley, who was about ſix or ſeven thouſand pounds intereſted in the iſſue of the ſuit between the claimant and the earl of Angleſey, took an opportunity of ſetting this dangerous fellow at liberty, on a very trifling ſham ſecurity, in the abſence of the claimant and his friends.

[23] Eggleſton the chief witneſs, immediately after the accident happened, told ſeveral of the inhabitants of Staines, that the gun went off by accident; that the butt-end of it was almoſt on the ground at the time it went off; and that he believed the priſoner had no intention to hurt. But after he had been ſpoke to the next day by ſome known emiſ-

ſaries

knew nothing of that matter, were inſtructed, and tutor'd to inflame the proſecution by falſe allegations, which were utterly void of any foundation. For this purpoſe, a numerous band of agents and emiſſaries, were not only detached all over the town to declaim againſt the priſoner, as a man of a cruel diſpoſition; but one Palmer, the keeper of a turnpike near Staines, and one Newenham, were inſtructed to trump up an inſtance of his cruelty, by alledging, "that he, on the 11th of April preceding the unfortunate accident, came up to the turnpike, drew his hanger, and attempted to cleave Palmer's ſkull, becauſe he had ſtopt him to pay the toll." Thoſe infamous tools being thus prepared, were produced by the proſecutor's agents, and gave this forged tale in evidence on the coroner's inqueſt; but it appearing plainly, from the teſtimony of ſeveral perſons of credit, that the priſoner was all that day at London, where he dined in a large company, and that he had not travelled that road for ſeveral days before or after the 11th of April, thoſe fellows were diſmiſſed by the coroner with diſgrace [24]. Great pains and expedition were uſed by the proſecutor, by an early application to the coroner, to ſecure an inqueſt ſuited to the cruel purpoſes he had in view; in doing of which, he ſucceeded ſo well, and prepoſſeſſed them ſo effectually againſt the unfortunate priſoner, that the greateſt part of them could not contain themſelves within the bounds of common decency, when they met upon that inquiſition; or ſuffer evidence, or even demonſtration to guide them in their verdict. Nay, to ſuch a degree of furious zeal were ſome of their number worked up to ſerve the purpoſe for which they had been brought together, that they openly

emiſſaries of the proſecutor, he totally changed his note; and when examined by Sir Thomas Reynolds, declared that the butt end of the gun was at the priſoner's ſhoulder, with the muſle ſloping downwards, and that he fired it deſignedly. He prevaricated again, and varied from this laſt declaration, when he came to be examined at the inqueſt: and tho' his ſeveral prevarications were manifeſt, and it appeared to a demonſtration, from the evidence of three ſurgeons of repute, who opened the body, and from the nature of the wound, that it could not poſſibly happen as he then ſwore, but exactly agreed with his firſt declaration before he was corrupted; the inqueſt nevertheleſs thought fit to find the priſoner guilty of wilful murder.

[24] Notwithſtanding this manifeſt inſtance of wilful perjury, theſe very fellows were afterwards produced again at the priſoner's trial againſt him, to another point; but they durſt not venture to examine them again to the firſt. It is however one proof out of many, of the happy talent poſſeſſed by the priſoner's antagoniſts, of finding out and tutoring evidence for any purpoſe that ſuits their ends.

openly denounced vengeance againſt the priſoner, before they heard any evidence at all; and one of their number in particular, perceiving that the account given by the principal witneſs, about the poſition of the gun, did not tally with the direction of the wound, barefacedly ſtept out of the jury-room, and inſtructed him to alter his depoſition, in relation to that circumſtance, on which much depended [25].

This unfortunate affair happened on a Saturday evening, and the proſecutor himſelf, accompanied by an attorney, and ſeveral other aſſiſtants, ſet out for Staines, on the Monday morning after it happened, to take care that the priſoner ſhould not eſcape, nor meet with any favour. But finding, when he had got as far as Hounſlow, that he was already committed, he returned again directly to London; and next morning repaired, with ſeveral others, to New-Priſon Clerkenwell, with a premeditated deſign of inſulting him in his confinement, which he executed in the moſt inhuman and barbarous manner. And not contented with the inſults offered by himſelf, he carried his inhumanity ſo far, as to endeavour to ſpirit up and inſtigate the jailor to treat him with cruelty. He afterwards not only employed a numerous band of ſeventeen agents and emiſſaries of various kinds, to fiſh out for evidence, to ſpirit up and prepoſſeſs the publick againſt the priſoner, and carry on a moſt virulent pro-

[25] The expedition uſed by the proſecutor and his agents, to ſecure a coroner's inqueſt, and the methods they purſued to accompliſh that point, are very remarkable. The accident, as has been obſerved, happened on Saturday afternoon; and the next day at 3 afternoon, intelligence was brought to Mr. Mac Kercher, that a perſon had been diſpatched by the proſecutor to the coroner. He thereupon immediately poſted to that gentleman, to caution him, to take care that a jury of impartial men ſhould be ſummoned: but on his arrival he found the proſecutor's emiſſaries had been beforehand with him, and had already obtained an order. This order was directed to the high conſtable, and ought regularly to have been put into his hands, who was the proper officer; but he being too well known to be an honeſt man, incapable of being tampered with, was not thought fit to be truſted with an affair of ſuch conſequence: they therefore, contrary to the uſual practice, procured an implement of their own, the beadle of the pariſh of Staines, to take that charge upon him, who ſummoned ſuch as were pointed out to him. And indeed, the proſecutor was not deceived in his expectations from this inqueſt; for they behaved in ſo openly and ſcandalous a manner, both before and after they had heard the evidence, that two of their brethren, who ſtood out a long while, loudly complained that they were threatened, abuſed, and bullied to agree to the verdict; and the honeſt part of the inhabitants of the pariſh of Staines, were ſo ſcandalized at the behaviour of that jury, that they publickly diſapproved of it as a ſcandalous proceeding, by a declaration in the news-papers, ſigned by the miniſter of the pariſh, and 52 of the principal pariſhonners.

proſecution; but as if all his whole hopes had been founded on the event of this proſecution alone, he employed no leſs than four attornies to conduct it; and eight of the moſt eminent gentlemen at the bar, were retained to attend the trial at the Old Bailey, a court where they never appeared before, to hunt down this unfortunate helpleſs man. It muſt however be owned, for the honour of theſe gentlemen, that when they found out the odious nature and tendency of the proſecution, ſeveral of them refuſed to be concerned in it. One of them particularly, upon glancing over his brief, and diſcovering the dark complexion of it, returnd it directly, and plainly told the proſecutor's attorney, he would not for the whole Angleſey eſtate be concerned in ſuch an affair. But in order, as much as poſſible, to deprive the unfortunate priſoner of any chance of eſcaping, the proſecutor had him indicted, not only for murder, but alſo on the game act, commonly called the black act, a law hateful in itſelf, and for many years before diſuſed, on account of the odious tendency of it; and a ſurgeon extraordinary was feed to attend the trial, in order, if poſſible, to puzzle and invalidate the evidence of the other three gentlemen of that profeſſion, who had demonſtrated from the nature and direction of the wound, that it was a meer accident, and impoſſible to have happened in the manner deſcribed by the proſecutor's chief witneſs. In a word, no art or expedient was left untried, nor any expence ſpared to obtain the end for which the proſecution was inſtituted; inſomuch, that in the ſpace of two months, the proſecutor ſpent no leſs than 1000 l. about it; and declared he did not care tho' it coſt him ten thouſand pounds, if he could but get the priſoner convicted. Nor did he rely on the event of this proſecution alone, to attain that end: for, all the advantages that the preſent unhappy circumſtances of the priſoner had furniſhed him with, were laid hold of, and improved, to deſtroy him. Among many others, an effort was made to transfer him from the healthy priſon, to which he was at firſt ſent, to a more cloſe confinement in Newgate; where there was a probable chance of his being taken off by the gaol diſtemper. This point was thought of ſo great importance to the proſecutor and his confederates, that all the inventions they could think of, were practiſed to compaſs it. Their attornies were firſt employed to ſolicit Sir Thomas Reynolds, and Mr. King the coroner ſeverally, to grant an order for that purpoſe; and failing therein, one Carrington, an intimate companion of the proſecutor, was em-

employed in the ſame negotiation; and to do him juſtice, he exerted himſelf with great zeal in it. He returned to the charge again and again, and ſtrenuouſly inſiſted on an order to transfer the priſoner to Newgate, with promiſes of a very conſiderable gratuity from Lord Angleſey, in caſe it ſhould be granted: but, thoſe gentlemen being apprized of the malicious intention of the application, abſolutely refuſed to comply therewith. The proſecutor and his aſſociates finding themſelves thus diſappointed, they had recourſe to other ſtratagems to gain that favourite point. And being informed, when the ſeſſions came on, that the priſoner would, of common courſe, be transferred to the county jail, if he could by any means be brought to the bar, and his trial put off to the next ſeſſions; they, upon that preſumption, laid a double plot to carry this new ſcheme into execution; either by reducing him to a neceſſity of applying to the court himſelf to put off his trial, or if he would not, by moving the court themſelves to put it off. The firſt of theſe they found difficult, becauſe the priſoner was ready and deſirous to be tried; they nevertheleſs had recourſe to the following ſtratagem, as the moſt likely to accompliſh their aim. One of the proſecutor's attornies, on the ſecond day of the ſeſſions, waited on Mr. John Paterſon, ſollicitor for the city of London, who was concerned for the priſoner; and propoſed to enter into a mutual conſent, not to bring the trial on till twelve o'clock next day, in order, as he pretended, to ſave the expence of keeping ſo great a number of witneſſes, as muſt be brought up, all night in town; which propoſal being complied with, the witneſſes for the priſoner were not ſent for till next morning. The proſecutor finding, that he had, by this trick, ſurpriſed the uſual vigilance of the priſoner's friends; and having clandeſtinely brought ſuch of his own witneſſes to town, as was ſufficient to convict him, if he ſhould be either ſo ſimple or ignorant, as to ſubmit to be tried under thoſe circumſtances; one of his principal emiſſaries was, before nine o'clock next morning, contrary to the above conſent, detached to the gaol to bring him down to take his trial, in the abſence not only of his friends, but of his attorney, counſel, and witneſſes [26]; alledging, that he was ſent by the court for

[26] The poſecutor propoſed a double advantage by this ſtratagem; if the priſoner had been brought early to the bar, in the abſence of his witneſſes, and of his attorney and counſel, as he was quite ignorant of all the forms of law, and incapable of making any defence, he muſt have been con-

for that purpoſe. Mr. Mac Kercher happening very fortunately to be at that time with the priſoner, ſuſpected ſome fraud; and therefore went directly to the Old Bailey, to inform the court of the agreement of the preceding day, and to deſire that the trial might be deferred till the arrival of the witneſſes. But when he came there, he found to his ſurpriſe, that the court was not yet ſitting; and thereupon complained of the intended fraud. Upon the arrival of the witneſſes, the court was moved in behalf of the priſoner, to have his trial brought on; which being complied with, he was accordingly brought to the bar, and arraigned. But to the great ſurpriſe of all that were unacquainted with the ſecret machinations of the proſecutor, the ſame perſons, who, in the morning, had practiſed ſo extraordinary and unwarrantable a method to hurry on the trial, when the priſoner was quite unprepared, now inſiſted on its being put off till the following ſeſſion; and at the ſame time ſtrenuouſly oppoſed his being admitted to bail, in hopes of his being ſent to Newgate. The court, however, perceiving by ſo unaccountable a conduct, that ſome ſiniſter purpoſe was purſued, over-ruled their oppoſition, and reſolved that the trial ſhould not be delayed, unleſs the proſecutor firſt conſented that the priſoner ſhould be admitted to bail. And as they had not thoroughly prepared for a trial, in which they were to encounter the evidence for the priſoner, but had relied on the ſucceſs of the aforeſaid trick, they were, after a good deal of altercation and oppoſition, obliged to conſent to his being bailed; and bail being given in court, he was immediately enlarged.

In the courſe of this unfortunate affair, all the unwarrantable arts that could be invented, were practiſed to cheat the unhappy priſoner out of his life. Several emiſſaries were diſpatched to the jail, to inſinuate themſelves into his company, under colour of friendſhip and compaſſion, in order to qualify themſelves thereby, to give ſome pretended confeſſions of his, in evidence againſt him on his trial. The principal witneſs for the crown, was corrupted by a large promiſe of two hundred pounds to alter his evidence; and when he had been gained over, in order to prevent a diſcovery of his being practiſed upon, he was immediately after clandeſtinely conveyed away in the night, from his uſual habitation, to the houſe of

convicted on the ſole teſtimony of Eggleſton, who was always at hand: or, if he had pleaded that he was unprepared for his trial, and begged for delay, he muſt then have been ſent to Newgate; either of which would have anſwered the proſecutor's purpoſes.

one Williams, at the White-horſe inn Piccadilly, where the proſecutor kept his horſes, and the conſpirators uſually held their cabals; at which place he was entertained in a luxurious pampered manner, till he was produced on the trial [27]. Repeated attempts were made by bribes to prevail on ſome of the priſoner's principal witneſſes, to diſappear on the day of trial, &c. one particularly, had the offer of a bank note of fifty pounds on that condition, by a confident and known agent for the proſecutor [28].

Notwithſtanding theſe manifold arts, and wicked contrivances to rob this poor gentleman of his life, as they had before done of his liberty, and eſtate, he was honourably acquitted; and the unlucky affair that gave the firſt riſe to this proſecution, was, upon the trial, proved to a demonſtration, to have been a meer accident. But his proſecutor did not ſtop here: he had held ſeveral conſultations before this trial came on, to concert what was proper to be done, in caſe the pretender, as he was pleaſed to call him, ſhould eſcape with his life. And after the trial was over, he purpoſed to ſet on foot a freſh proſecution for the ſame fact, by way of appeal, but was diverted from it, as an abſurd vain attempt, in which he could expect no ſucceſs.

When the proſecutor found his hopes defeated by the acquittal of the claimant, he was ſo enraged, that he broke out into the moſt abuſive language againſt Mr. Giffard, the attorney to whoſe care he had entruſted the conduct of the proſecution, under Mr. Adam Gordon and Mr. Robert Gardine, whoſe inſtructions he was directed to purſue, and upbraided him in the moſt bitter

[27] Williams carried him off from Staines on the croup of his horſe, between twelve and one o'clock in the morning, to his houſe in Piccadilly; where, by the proſecutor's direction, he was conſtantly entertained with wine, rack-punch, or whatever he called for; and dined every day at Williams's own table, with O'Connor, Jans, Thompſon Gregory, and others of the proſecutor's chief agents; till they found, that this extraordinary treatment of ſuch a profligate low wretch, was taken notice of; and then he was, by his own conſent, ſeemingly degraded to be tapſter of the ſmall-beer, in order to colour his continuing at that place.

[28] This man had called ſeveral times for the witneſs at his lodgings, before he found him at home; which made the latter ſuſpect, that ſome bad deſign was on foot; he therefore took care to have a perſon of credit, who knew this emiſſary, ſo placed, as to hear diſtinctly all that paſſed at the interview, without being perceived. This perſon attended at the trial, to prove the attempt made to ſeduce the witneſs; but the jury and court, being fully ſatisfied of the malice and wickedneſs of the proſecution, the evidence was cloſed without calling him, nor many others, who attended to prove the ſiniſter practices of the proſecutor and his agents, in the courſe of that iniquitous tranſaction.

bitter terms with miſconduct, and with being the ſole cauſe of its miſcarriage; for which reaſon, he refuſed to pay his bill, or even give him money to ſatisfy the demands of the numerous band of evidences, who had been raked together from all quarters on this occaſion. This uſage obliged the attorney to ſue him, and to prove not only his being employed by him in that proſecution, but alſo every article of his account; by which means, many anecdotes, and ſecret tranſactions, relating to the intended tragedy, were brought to light, which muſt otherwiſe have remained for ever in darkneſs. For Giffard had commenced his action at common law; and the noble Earl, in order to obtain an injunction to ſtop his proceeding, till privilege ſhould take place, filed a bill in the court of exchequer, whereby he denied the whole account, or that he owed him any thing. To this bill, Giffard, in order to diſmiſs the injunction, put in a full and clear anſwer, whereby he ſets forth every article of his account, and the nature of the buſineſs he was employed in, and among other things, the proſecution againſt the claimant [29].

Tho' the real author of this unnatural proſecution was publickly known; and had appeared openly in court, and even on the bench, in a birth-day ſuit of ſcarlet and ſilver point d'Eſpagne, at the trial, to countenance and encourage the proſecution, and to brow-beat the unhappy man at the

[29] The managers for the claimant hearing of this affair, and finding by Giffard's anſwer, that he had been employed in the proſecution by the noble Earl himſelf, they ſubpœnaed him to give evidence concerning it in a ſuit then depending in chancery, between the claimant and proſecutor, and afterwards on the trial at bar in Ireland. The proſecutor was ſo conſcious of the matter, weight, and importance, of the evidence that this witneſs could give, that he directed his counſel to give all poſſible oppoſition to his being examined. Accordingly, that point was ſtrenuouſly conteſted for ſeven hours; but it appearing plainly, that Giffard had been no way concerned as an attorney, in any other cauſe depending between the proſecutor and the claimant, except that proſecution, all the judges were clearly of opinion, he ought to be examined; and the noble Earl unable to ſtand this examination, retired out of the court into the chamber where his witneſſes attended, and acquainted ſeveral of them, that he knew very well what Giffard had to ſay. However, it is very remarkable, that the conviction this man's evidence carried along with it was ſuch, that no contradiction or defence was offered againſt it. And notwithſtanding that it was of the utmoſt conſequence to Lord Angleſey and his confederates, to invalidate his teſtimony, and that John Jans, Thompſon Gregory, and Thomas Rolph, whom he quoted in the courſe of his examination, were all preſent in court, and known not to be men of the moſt ſcrupulous conſciences, yet, they durſt not venture to produce them to be examined againſt him, being conſcious he had in his power wherewithal to pin them down, and ſupport his own teſtimony.

bar, and his witneſſes; yet, both he and his party, now endeavoured to gloſs it over, and even to deny his having had the leaſt hand in it. But, in order to place that matter beyond all doubt for the future, I have here ſubjoined ſo much of his attorney's account as relates to that proſecution, as it ſtands proved againſt him, on a writ of enquiry now of record, by ſeveral perſons, but more particularly by the other attorneys employed by himſelf, behind the curtain [30].

Hi-

[30] The right honourable Richard Earl of Angleſey, to John Giffard, Debtor.

On the proſecution of James Anneſley.

		l.	s.	d.
May 2, 1742.	Attending your Lordſhip when you ſent for me at the White horſe in Piccadilly, and informed me that James Anneſley had murdered a man at Staines; and ordered me to go there, and enquire into the affair, and carry on the proſecution againſt him	0	13	4
4 and 5.	Attending Mr. Jans, and Mr. Adam Gordon by your direction, to take inſtructions about the ſaid proſecution, and afterwards attending at Staines when the coroner took the inquiſition -	2	2	0
	Expences thereon - - -	0	19	0
8 and 9.	Journey to Staines and Lelham to examine witneſſes thereon - - - - -	2	2	0
	Expences about the ſame - -	0	16	0
19 and 20.	The like - - - - -	2	2	0
27, 28, 29.	The like - - - -	3	3	0
	Expences at Colnbrook and Lelham -	1	7	6
	Thirty-two ſubpœna tickets for witneſſes -	1	12	0
	Serving them - - -	5	6	8
	Conduct money - - -	1	12	0
May, 1742.	To my trouble in drawing the brief, taking an account of what the witneſſes could ſay, attending Mr. Jans, Mr. Gardine, Mr. Gordon, Mr. Darnley every day for twenty-one days -	7	7	0
	Attending to retain Mr. Bootle - -	0	6	8
	Ditto Mr. Loyd - - -	0	6	8
	Afterwards attending Mr. Bootle, Mr. Serjeant Wynne, Mr. Legg, Mr. Johnſon, with their briefs, and inſtructing them - -	1	6	8
	Seſſions fee on attending at Hicks's-hall -	0	13	4
	Ditto, at the ſeſſions at the Old Bailey two days, when the priſoner was admitted to bail -	1	6	8
	The like for attending at the White-horſe Piccadilly, to get the witneſſes together, and paying and diſcharging them - - -	1	6	8
	Attending on Sir Thomas Reynold -	0	10	6
	Copies of two indictments - -	0	4	0
	The like of the inquiſition - -	0	6	8

July

Hitherto there was ſcarce any other compaſs to ſteer by, or to point out the proofs of the claimant's legitimacy, but his own faint recollection of facts, that happened after he was of an age

July ſeſſions, 1742.

July 11.	Journey to Colnbrook to examine witneſſes -	1	1	0
	Expences there - -	0	8	6
12.	At Staines - - - -	1	1	0
	Expences - - -	0	7	6
	Attending Mr. Jans by your direction a whole day, and drawing a long account of what Lawlor, Mr. Tynan the apothecary, Mr. Cotten, and Mr. Greaves, could ſay againſt the priſoner, and Paul Keating - -	0	13	4
	Paid their expences at the Lamb - -	0	10	0
	Four fair copies of what they could ſay, for counſel to annex to the briefs - -	0	12	0
	Attending Mr. Noel, Mr. Bootle, Mr. Legg, Mr. ſerjeant Gapper, Mr. Wynne, Mr. Gundry, Mr. Johnſon, and Mr. Brown, with briefs, and inſtructing them - -	2	13	4
	Four ſubpœnas - - -	1	16	8
	Sixteen tickets - - -	0	16	0
	Conduct-money to Wells, Saltmaſh, Palmar, Newman, two Silveſters, Rance, Porter, Fiſher, Bedſworth, Gardner, Mills, Crickwell, and Grant - - -	0	14	0
	Service - - -	2	6	8
	Attending at the Old-Bailey two days -	1	6	8
	Attending Mr. ſerjeant Hayward and Mr. Paterſon, by Mr. ſerjeant Wynn's order -	0	13	4
	Paid the door-keepers - -	0	15	0
	Coach-hire to and from Weſtminſter to bring Mr. ſerjeant Wynn to the Old-Bailey -	0	4	0
	Ditto for myſelf to Mr. Paterſon's -	0	3	0
	To George Carrington for attendance -	0	10	6
	Attending at the White-horſe in Piccadilly on the witneſſes - - -	0	13	4
	Subpœna, ticket and ſervice on Mr. George Longdal ſurgeon, by Mr. Jan's order -	0	5	4
	Paid him - - -	1	1	0
	For attendance to John Bedſworth, Joſeph Morecock, Charles Saltmaſh, John Fiſher, Samuel Silveſter, John Rance, Thomas Mills, William Palmer, John Crickwell, John Newman, John Gardner, and James Wells, - -	7	10	0
	Total	61	2	6

The above bill is but a very ſmall and trifling part of the expence of this proſecution, being no more than what Giffard himſelf was out of pocket, and the charge for his trouble, which was juſtifiable by law. The charge made by the other attornies employed in this barbarous affair, and by the numerous agents and ſollicitors concerned in the proſecution; the fees for counſel, the conſideration paid to Eggleſton the witneſs,

age to give attention to what paſſed within his obſervation, and the unbiaſſed declarations abovementioned, of ſuch of the people round the place of his birth, as his adverſaries had not yet influenced, and as had been tranſiently ſpoke to by the perſon ſent over by Mr. Mac Kercher to Ireland. But this proſecution, providentially opened a new ſcene; for, ſeveral perſons then at London, who had known him in his infancy, and had never heard of him ſince he was tranſported to America, but imagined him dead, were induced by the noiſe made of this affair, to come out of curioſity to New-Priſon, and to his trial, in order to be ſatisfied, whether or not he was the ſame perſon they had formerly known. They no ſooner ſaw him, than they immediately knew him, and declared, that during their knowledge of him, he was always reputed Lord Altham's legitimate ſon, with many other circumſtances, exactly agreeing with the accounts he had given of himſelf, on his firſt arrival in England. Theſe people threw great light upon the affair, for they not only laid open ſeveral new facts and circumſtances, but pointed out many of his father's neighbours, and of his own ſchool-companions, and others who were acquainted with his family, and who could give a further and more diſtinct account of him. Others at a diſtance, to whom common fame had conveyed the falſe pretences of his uncle, that he was the baſtard of Joan Landy, communicated their knowledge of him by letter.

Soon after this remarkable trial, Mr. Mac Kercher (who had taken the claimant by the hand, and defended him againſt that virulent proſecution) in order to be further ſatisfied of the truth of his pretenſions, undertook a journey with him into Ireland; but having already had two early inſtances that affected himſelf, of the wickedneſs of the adverſe party [22]; of

neſs, and other articles of ſecret ſervice-money, went through the hands of Jans and others. See the teſtimony of Giffard on the trial at bar, which ſtands uncontradicted.

The management uſed by Jans, the proſecutor's chief agent and intimate companion, in drawing in Tynan the apothecary, Lawlor, Cotton, and Greaves, to give ſupplementary evidence againſt the priſoner is the more ſingular, and worthy of notice; as two of their number, were in Ireland when the accident happened; and yet they were inſtructed to give evidence on his trial, but their courage failed them when the trial came on.

N. B. Mr. Noel, Mr. Loyd, Mr. Legg, and Mr. Gundry returned their briefs, and refuſed to be concerned in the proſecution.

[22] The confederates againſt the claimant have all along had it in view, as one of their chief reſources, to render the conduct of his managers as ſuſ-

of their diſregard to all manner of truth and juſtice, and of the danger of having any dealings with ſuch people, without the utmoſt caution; he therefore, in order to guard againſt all their future attempts to fix any inſtance of malpractice upon him, prevailed on two gentlemen to accompany Mr. Anneſley and him in that journey, that they might be witneſſes of all his tranſactions [33].

When they arrived at Dublin, the firſt applications were made to thoſe whom the claimant himſelf had named, as his ſchool-maſters and ſchool-companions, and others whom he mentioned as ſervants, and near neighbours to his father. They were all examined ſeparately, in the preſence of ſeveral perſons of credit, without having the leaſt previous hint, of what either the claimant, or any other perſon had ſaid before; and they, in their relations, not only unanimouſly agreed with him, but with thoſe who had given an account of him in England, as well as with one another; and when they happened to name any new perſon, recourſe was immediately had to the perſon ſo named, who alſo perfectly agreed with thoſe they had been quoted by. Others, who had been named, but happened to be at a great diſtance from town, were wrote to, and in their anſwers, they in like manner agreed in the ſame accounts; in ſo much, that the gentlemen who accompanied Mr. Anneſley from England, and others to whom they were communicated, could not but admire the harmony of ſo many various accounts, from perſons living at ſuch a diſtance from one another. And the news of the claimant's arrival at Dublin no ſooner reached the diſtant counties, than ſeveral ſervants who had lived with his father, and had been made to believe, by the uncle, that he was dead long ago, came from different quarters of the country to ſee him. Theſe poor people, notwithſtanding the pains taken by thoſe who accompanied Mr. Anneſley to deceive them, and impoſe others upon them for him, diſtinguiſhed him at firſt ſight; and it was a very moving

ſuſpected as their own; for which purpoſe, they practiſed many wicked tho' unſucceſsful contrivances too tedious to be enumerated here. But all their ſtratagems of this kind, tho' conducted with all poſſible art and cunning, have hitherto turned againſt themſelves, and have only ſerved to manifeſt to what iniquitous lengths they carry their wickedneſs in ſupport of an unjuſt cauſe.

[33] Captain William Livingſton, one of thoſe gentlemen who accompanied Mr. Anneſley in this journey, merits the higheſt encomiums, on account of his firm adherence to the cauſe. For he not only poſtponed his own affairs, and neglected many conſiderable advantages, to attend it for a courſe of ſeveral years; but as he was a perſon of ſtrict honour and probity, his aſſiſtance was of ſingular ſervice.

ing ſcene, to ſee ſome of them fall upon their knees to thank heaven for his preſervation, embrace his legs, and ſhed tears of joy for his return.

Tho' the act of cruelty and violence committed in kidnaping and tranſporting the claimant in his infancy, and the conduct of his adverſaries ſince his return, particularly in the abovementioned proſecution, together with the evidence that already appeared for him, was more than ſufficient, to convince any unprejudiced perſon of the truth of his pretenſions; yet, Mr. Mac Kercher, to be ſtill further ſatisfied in all points relating to it, reſolved to ſee how he would be received at the place of his nativity; particularly at New-Roſs, a town which formerly belonged to his father, but was then, and had for ſix years before, been in the poſſeſſion of the preſent Earl of Angleſey his capital enemy, as the country round it was in that of his partiſans. He concluded, if there was any ground for ſuſpicion of his being an impoſtor, the baſtard of a kitchen wench, born in a country poſſeſſed by his adverſaries and their allies, he muſt be looked upon there with the utmoſt contempt and deteſtation for ſo daring an attempt. But, on the other hand, if he ſhould be well received, or even but indifferently, ſuch a reception, all circumſtances conſidered, would amount to a demonſtration of his legitimacy. For as the town of New-Roſs, and great part of the country round it, is parcel of the Angleſey eſtate, and had been ſo long in poſſeſſion of the preſent Earl of Angleſey; and as all the inhabitants thereof were his tenants, and the principal magiſtrate or ſovereign, and other leading men of the town, were deeply intereſted by profitable leaſes, and otherwiſe, to ſide with him, it was not probable, if the claimant was an impoſtor, well known by them to be ſuch, as alledged by the noble Earl, that he ſhould be received there even with indifference.

When Mr. Mac Kercher's intention of viſiting that place with the claimant took air, it greatly alarmed the adverſe party; and the agents and friends of Lord Angleſey, and of the whole faction repaired thither in all haſte from Dublin, and all quarters of the country, to oppoſe them. They arrived at the place ſeveral days before the claimant and his friends; and uſed all their influence with the people, by remonſtrances, promiſes, threats, and all the other arts they could deviſe, not only to diſcountenance their appearance, but to ſpirit up a mob to inſult them. Notwithſtanding all theſe precautions, and the ſervile awe the tenants are generally held in by their landlords and their agents in that quarter of the country; and tho'

tho' Lord Angleſey had, contrary to his uſual manner, always endeavoured to cajole the people of this place, more than his other tenants [34]; and great pains had been taken by himſelf and his friends, for three years before, to ſtrengthen his intereſt, and to ſtifle the voice of the publick there; yet, the people crowded in great multitudes to meet and welcome the claimant, and accompanied him into town with extraordinary acclamations, and other expreſſions of joy; ſo that the very perſons who came there with a deſign to inſult him, and ſpirit up a mob to do the ſame, durſt not ſhow their heads.

The day after his arrival, and all the time he continued there, the inhabitants crowded about him, welcoming him to his native country, pouring out their prayers for him, wiſhing him ſucceſs in the recovery of his right, and at the ſame time exclaiming bitterly againſt his uncle's injuſtice, cruelty, and oppreſſion; and, on all occaſions, during his ſtay, behaved to him with the utmoſt reſpect. Even they who were deeply intereſted againſt his ſucceſs, could not, in the face of ſo many people, who knew them to be conſcious of his right, put on the aſſurance which their bad cauſe required; but, on the contrary, behaved to him with great deference; nay Brahon, the deputy-ſovereign of the place (who is a particular creature and favourite of the preſent Earl of Angleſey, and whoſe all depends on the iſſue of this cauſe) carried the evidence of his conviction ſo far, as to hold Mr. Anneſley's ſtirrup when he mounted and diſmounted his horſe, a compliment he never paid to any but Lord Angleſey. The ſenſe of this people, concerning the claimant's right, manifeſted itſelf ſtill more remarkably afterwards, when he returned to New-Roſs in the years 1743, and 1744, but more particularly in 1744. For when Lord Angleſey heard of his intention of viſiting that place, he himſelf in perſon, with as many of his agents and friends as could be prevailed on to attend him, haſtened hither, in order to overawe the people by his preſence, and prevent their receiving him in the manner they had done before. On this occaſion, ſeveral agents of the noble Lord were firſt detached to prepare for his own reception, and, if poſſible, to induce the people to receive

[34] Lord Angleſey was always ſo ſenſible of the conſequence of gaining the people of this town to his intereſt, and of the neceſſity of acquiring a popularity among them, on account of their knowledge of the claimant; that he, on all all occaſions, not only treated them with more complaiſance than any other part of the eſtate, but carried his arts of popularity ſo far, as even to perform acts of piety among them, by painting their church at his own expence, &c. a thing he never did any where elſe, though by far more neceſſary than here. But all his cajoleries had no effect, in the preſent caſe, to ſtifle the dictates of conſcience and juſtice.

him in the ſame manner they had done the claimant. Theſe, with his other friends in the place, uſed all their art and intereſt for that purpoſe, but in vain: for when he arrived, he was ſuffered to paſs through the town in a mournful ſilence, without being in the leaſt regarded; and tho' ſeveral barrels of beer were ordered out before his lodgings, to court the favour of the populace, this profuſion had no other effect than that of drawing their inſults upon the donor. But when the claimant arrived two days after, all the people with garlands, ſtreamers, and other enſigns of joy, met him two miles from the place, and uſhered him into town with loud acclamations, and the warmeſt expreſſions of joy; while the noble peer himſelf, terrified almoſt out of his wits, thought it prudent to hide himſelf, from the fury of his own tenants; the effects of which he certainly would have felt moſt ſeverely, had not Mr. Mac Kercher and the other gentlemen who accompanied the claimant, prevented it by their timely remonſtrances. Nor did the reſentment of the inhabitants ſtop here; for the Sunday following, when it was underſtood that Mr. Anneſley and thoſe gentlemen were to come there to church from Dunmain, they came out to meet them, and accompanied them to church with the like acclamations as before: but the noble Earl, in the utmoſt panic, fled out of town with great precipitation in a boat, under pretence of drudging for oiſters, and ſoon after intirely quitted the place. Of ſuch conſequence however does he ſtill think it to his intereſt, in the preſent conteſt between his nephew and him, to gain the people of this town and the country round it over to his ſide; that he has, ſince that time, quitted his fine ſeat of Comolin Park, which is in the ſame county, and taken up his reſidence among them, in a very ordinary cabin. But as people began to talk very freely of the motives of his Lordſhip's voluntary deſertion of his own ſeat, to live in a hired houſe, among a people he had been ſo groſly inſulted by, on account of his nephew, and in the midſt of his witneſſes; ſome plauſible pretext muſt be found out to colour ſo extraordinary a ſtep. This was by ſo much the more neceſſary, as the common motive of having ſociety or amuſement, could not be pleaded; for New-Roſs is no place for either. The noble Lord therefore ſet up a deal-yard, and turned timber merchant, in order to cover his real motives of living there. What effect his preſence and operations as a trader will have, to alter the ſentiments or conduct of that people towards the claimant, time only, and his return to that country can diſcloſe. But ſhould it ſo happen, that any of the claimant's

witneſſes ſhould be ſo weak or wicked, as to ſuffer themſelves to be perverted, the means by which ſuch a change is brought about, may be eaſily ſeen through; for ſeveral of them, have been practiſed upon, ſince the noble Lord went to reſide in that place.

From New-Roſs the claimant proceeded to Dunmain, Carickduffe in the county of Carlow; Kinna, in the county of Kildare, and to other places where he had formerly lived with his father; at each of which places he was met by many of his father's neighbours, acquaintances and friends, and of his own ſchool companions, who at firſt ſight knew him, received him with great joy, and recognized him as Lord Altham's legitimate ſon and heir. In this method did Mr. Mac Kercher proceed, in a continued progreſſion, till, in leſs than a month's time, above one hundred perſons, living in different quarters of the kingdom, either perſonally or by letters, gave an account of their knowledge of the claimant; all conſonant with one another, and with the accounts given by himſelf, excepting ſome ſmall variations and uncertainties in points of time, proceeding from forgetfulneſs, and which are in ſuch caſes inevitable. But in this circumſtance they all agreed, that, during their knowledge of him, he was always reputed the lawful ſon and heir of Lord Altham by the Duke of Buckingham's daughter, and as ſuch, was treated with great reſpect: and that they never heard his legitimacy ſo much as called in queſtion, or doubted of, in thoſe days; nor at any time, till after his return from America. But as the claimant, and thoſe who accompanied him in that journey, were abſolute ſtrangers in Ireland; and as the continual employment given them, by witneſſes who voluntarly crowded in from all quarters, left them no time or opportunity to be acquainted with, or make enquiry among people of rank and fortune, very few appeared hitherto as witneſſes, beſides farmers, tradeſmen, and others of that claſs of people, who had come out of their regard for truth and juſtice. People of higher rank, who knew any thing of the affair, either believing that a fact of ſo great notoriety as the claimant's legitimacy, could not want more than ſufficient evidence to ſupport it; or not willing officiouſly to interpoſe (without being firſt applied to) in a matter which would affect the intereſts of ſo numerous and powerful a party, and of ſome even of their own acquaintances and friends, had not yet declared themſelves; at leaſt their declarations had not yet reached the ears of theſe gentlemen. However, if it be conſidered that they were all ſtrangers in that country; that the claimant

himſelf had been ſpirited away when yet an infant, before he had an opportunity of forming any uſeful connexions; that he had for fifteen years paſt been thought dead, by every body who knew him in his infancy; a notion conſtantly propogated and confirmed by his uncle; that there was at firſt no other guide to ſteer by, but the accounts given by himſelf; and that all letters and writings that could conſtitute dates, or give any inſight into his affair, were in the hands of his enemies: if all theſe circumſtances be conſidered, together with the number, power, influence and activity of the party againſt him, in ſtifling all enquiries; the progreſs made in a few weeks in clearing up this extraordinary affair, is very ſurpriſing.

Matters being brought thus far, it then became a queſtion, which would be moſt expedient for the claimant, to proceed firſt to recover the honours, or the eſtate to which he laid claim; and it was concluded, that previous to his giving his majeſty, or the houſe of peers, any trouble concerning an affair of that extraordinary nature, he ſhould firſt proceed to a trial at law; whereby it might appear, that his pretenſions were not without foundation. Accordingly, ſo ſoon as privilege, in which Lord Angleſey had intrenched himſelf, would permit, an ejectment was directed to be brought in the court of exchequer in Ireland, for a ſmall eſtate in the county of Meath; and a bill was at the ſame time filed in the court of chancery of Great Britain, for the recovery of all the Engliſh eſtate.

When the confederates perceived, that the claimant had proceeded ſo far, and was likely to be ſupported in aſcertaining his right, they left no expedient or invention untried, to retard the courſe of the proceedings, and to prevent his coming at a fair trial of the merits of his caſe. The noble Earl himſelf, far from purſuing Mr. Mac Kercher's opinion, which he had ſeemingly ſo much approved of at the abovementioned interview he had with him, not only ſcreened himſelf behind his privilege as long as poſſible; but when that could no longer ſerve his turn, all the other artful contrivances that the fertile invention of his attornies, managers, and confederates could deviſe, were practiſed, in order to gain time for him to ſlip again into privilege. Accordingly, in Trinity Term 1743, when every thing was ready for a trial at the next enſuing aſſizes, which was ſoon to come on, they, for that purpoſe, ſurreptitiouſly moved the court, to obtain an order for a trial at bar, without giving the uſual notice of ſuch motion to the claimant's attorney.

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This low trick being ſo contrived, as to be practiſed on the laſt day but one of the term, would certainly have had the intended effect, had not the fraud been accidentally diſcovered, and the court immediately moved to have the order ſet aſide as irregular, unleſs the defendant conſented to wave his privilege, and to have ſuch his conſent and waver of privilege made a rule of the court. This alternative, though unwillingly, and after much altercation, was agreed to, in order to poſtpone the evil day, rather than come to a trial at the approaching aſſizes; and a trial at bar was accordingly appointed to come on the 11th of the enſuing November.

Tho' the trial at bar was thus moved for and granted, at the defendant's own earneſt inſtance; tho' the abovementioned conſent had been entered into in the moſt ſolemn manner; and tho' the cauſe was then at iſſue; yet, the noble Lord's fears growing upon him in proportion as the day of trial approached, and ſtill dreading to ſtand it, he on the 5th of October, filed a long bill in chancery, containing nothing but a continued ſeries of allegations, equally falſe and ſcandalous, from the beginning to the end [35]; and thereby prayed for an injunc-

[35] This remarkable bill, is among many others, a glaring inſtance of the lengths that the party the claimant has to deal with, are capable of proceeding in their forgeries. For though Lord Angleſey himſelf, hath ſince been proved beyond contradiction, to be the very perſon who kidnapped and forcibly tranſported the claimant out of the kingdom; and tho' that act of violence and injuſtice appears from the cuſtom-houſe books, and from other evidence, to have been done very ſoon after the death of his father; yet, in this extraordinary bill he expreſly chargeth, that he lived in the city of Dublin, and was employed about Trinity-College to run of errands and clean ſhoes, upwards of a year and a half, after the death of Lord Altham: and there were witneſſes ready prepared, to give evidence thereof; had it not been diſcovered by ſome of his agents, that ſearch was made in the cuſtom-houſe books by the claimant's managers, to aſcertain the preciſe time that the ſhip which carried him to America cleared out. He alſo expreſly charged in that bill, that the claimant never was called by the name of Anneſley, but always by the name of James Landers, or Landy; and that he ſerved by that name in the year 1730 at Spithead, as a ſailor, on board the Southampton, one of his majeſty's ſhips of war; and afterwards in the year 1734 or 1735, on board the Stirling-Caſtle, commanded by captain Roſſiter, then in ſome part of Great Britain; and that he was draughted to go to Liſbon in the fleet commanded by Sir John Norris. Witneſſes were prepared and inſtructed to ſupport this forgery alſo; and it had actually been given in evidence, had not the confederates received intelligence from a good friend of theirs, a clerk in the admiralty at London, that ſearch had, in like manner, been made in the books at the navy-office by the claimant's managers; and that it appeared by them, that the Southampton man of war, at the time mentioned in the bill, laid up as a hulk at Jamaica, and was

injunction from that court to ſtop the trial at bar, which he himſelf had ſo lately, and ſo earneſtly ſtruggled to obtain. The claimant, contrary to the noble Lord's expectations, put in a full anſwer to this prolix and moſt ſcandalous bill, in due time to ſtop the injunction from being granted; nevertheleſs, his Lordſhip thought his caſe ſo deſperate, that his attornies were directed, without any regard to the ſtanding rules of the court of chancery, to diſſemble their knowledge of the filing of this anſwer, and to move the court for an injunction to ſtop the trial, as if no anſwer had been put in; and they accordingly obtained an order for one ſurreptitiouſly, upon that falſe ſuggeſtion. But that low artifice proved of as little ſervice to his Lordſhip as any of the former: for, on his being threatened with a complaint of ſo groſs an abuſe of the court, he was forced to ſuppreſs the order thus irregularly obtained, and ſo leave the way open again for the intended trial, to prevent the commitment of his attornies.

It was not without very urgent motives, that the confederates ſtruggled ſo hard to delay all law proceedings, eſpecially that of an impartial trial at bar: for, beſides the accidents that time naturally produces, a more certain and expeditious way than that of law, for putting an end to this controverſy, had, as before obſerved, all along been kept in view; and in proportion as the time for a trial drew near, their attempts grew the more frequent and deſperate. It was therefore no ſooner known, that the claimant ſet out for Ireland, than his chief antagoniſt followed the ſame rout. In his way to Holyhead, he picked up one Clarke, a moſt deſperate villain, who had been obliged to fly his country for ſome miſdemeanours. Him he carried over with him, and upon

was afterwards broke up as unfit for any ſervice. But if that ſhip had been at Spithead at the time mentioned in the bill, it is plain, from the lengths that the confederates already went, that the identity of the perſon of the claimant, his having ſerved there by the name of Landers, or Landy, and all the other circumſtances charged in the bill, would have been ſupplied by their witneſſes. For they had already picked up one Crock, and ſeveral other profligate fellows who had ſerved in the navy, and inſtructed them for that purpoſe. Nay, to ſuch a height did their aſſurance of ſucceſs in this hopeful contrivance arrive, that they actually ſent Crock to wait on the claimant, and challenge his acquaintance as a ſhip-mate. And the fellow, when he came, not only pretended to know him from his very infancy, but had the aſſurance to inſiſt to his face, in the preſence of ſeveral gentlemen, that he ſerved with him on board the Southampton at Spithead, at the time mentioned in the bill; although it was evident, that no ſuch ſhip then exiſted, and that the claimant was at that time, and for ſeveral years before and after, in a ſtate of ſlavery in America.

upon his arrival at Dublin, this ruffian, who before he met with him, had long been in a ſtarving condition, was taken into his cabinet council, was, without any apparent reaſon, kept at rack and manger, and plentifully ſupplied with money, clothes, and other conveniencies, much above his rank in life. About the ſame time, one Paddy Murphy, another profligate fellow, who had been above two years in gaol, for lying in wait to murder a gentleman, obtained his diſcharge in a private and myſterious manner, without any due courſe of law, and was likewiſe taken into the noble Lord's keeping. Theſe two were often obſerved to ſculk about the claimant's lodging, a circumſtance that was at firſt diſregarded, until intelligence was brought by three honeſt tradeſmen, "That there "was a formed deſign by this Clark and others, to aſſaſſi-"nate him and Mr. Mac Kercher, as they turned the cor-"ner of a ſtreet, which they were frequently obſerved to "paſs through together every evening: that Clark had for "this purpoſe engaged ſeveral of his own ſtamp, and was by "promiſes of conſiderable ſums of money, endeavouring to "inveigle a brother to one of the accomplices, to be concern-"ed with them in the plot: that this young fellow, expreſſed "great abhorrence and deteſtation at the propoſal, and endea-"voured to diſſuade his brother from having any hand in it: "that their converſation, being accidentally overheard by "them, while they were ſmoaking their pipes, in a room con-"tiguous to them, with only a thin deal partition between, "they deſired the man of the houſe to call the young man out "to them; and when he came, they acquainted him with "what they had heard, applauded him for his honeſty, and con-"firmed him in his reſolution, of having no concern in ſo "wicked a tranſaction: that he not only acknowledged the "truth of what they ſaid, but told them all he knew of the af-"fair." This young fellow no ſooner left them, than he acquainted his brother with what had paſſed between them, which ſo terrified him, that they both went immediately to Mr. Mac Kercher's lodging, and diſcloſed to him all they knew; and as the abovementioned tradeſmen were but juſt gone when they came, this further confirmation left him no room to doubt of the truth of the information; he therefore immediately accompanied them to one of the juſtices of the king's bench, to have their examinations taken upon oath, in order to have Clark, and the other accomplices apprehended. But as the noble Earl and his confederates had their ſpies every where, early notice of what was going on, was, by the infidelity of the judges clerk, or ſome of his domeſticks, conveyed to

them;

them; and Clark and his accomplices were diſpatched out of the way, and could never after be found or heard of. It appeared however, from the depoſitions of theſe two brothers, that Clark was a dependent of Lord Angleſey's, always with him at his houſe, and ſupported by him, at an extravagant rate, without any avowed office or employment about him. That he always carried an extraordinary quantity of gold and ſilver about him; that he had given the eldeſt brother two guineas in hand, and engaged to make it up twenty moidores, for his aſſiſtance in committing the intended aſſaſſination. That he repeatedly offered the other brother two guineas, preſſed it upon him, and promiſed to make them up twenty moidores, for the ſame purpoſe. That Clark, Murphey, and the eldeſt brother had watched one evening for Mr. Anneſley's coach at the corner of a ſtreet, called Dames-ſtreet; that Mr. Mac Kercher and he were both in it, and that Clark attempted to fire a blunberbuſs loaded with nine or ten ſmall bullets into the coach, but the piece miſſed fire, and the coach paſſed ſo quick, that they could not purſue their attempt any further that night. That they had obſerved two ſervants well armed behind the coach, and did not think themſelves ſufficient for ſuch an undertaking, without further aſſiſtance.

The confederates againſt the claimant being informed about the ſame time, that he was to be in a few days after at the Curragh races, twenty miles from Dublin; and judging that a proper opportunity to carry their deſigns againſt him into execution; a ſcheme was contrived to deſtroy him, under pretence of a riot, of their own raiſing. The completion however, of this premeditated tragedy, which, as afterwards appeared, was intended to have been acted, in the cloſe of the evening of the laſt day of the races, was alſo defeated; by the untimely eagerneſs of Lord Angleſey's ſervants, who began the fray earlier than had been concerted, which happened in the following manner. Mr. Anneſley being on horſeback to ſee the diverſion, Lord Angleſey's coachman and his other ſervants purſued him wherever he went, made ſeveral puſhes with a coach and ſix to run him down, and otherwiſe inſulted him in ſo groſs and publick a manner, as was not to be bore. Mr. Mac Kercher being informed of it, went up to Lord Angleſey to complain of the inſult; but he found him ſo far from being diſpoſed to make any reparation, and much leſs ſuch a one as the nature of the caſe required; that when he recovered from the tremor he was ſeized with, on Mr. Mac Kercher's firſt approach, and perceived himſelf ſupported by a number of ruffians that ſurrounded him, who had been purpoſely collected on this occaſion,

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he not only juſtified the inſolence of his ſervants, but broke out into a torrent of abuſe, too mean and ſcandalous to be repeated. Nor did the matter reſt there, for, while Mr. Mac Kercher was expoſtulating with him, he was attacked behind, by ſome of the noble Lord's worthy attendants; whereupon a ſcuffle enſued, in which many blows were given on both ſides. Mr. Mac Kercher apprehending from what he had already perceived, and the extraordinary number of profligate fellows he ſaw Lord Angleſey ſurrounded by, that ſome ſiniſter purpoſe was intended; he went directly to look for Mr. Anneſley, who had during this ſcuffle been at a diſtance, out of the fray. But before he could find him, ſeveral gentlemen had gone up to him, to inform him that there was certainly a deſign againſt his life; and Mr. Mac Kercher was repeatedly accoſted in the ſame manner while he was in ſearch of him. As there was great reaſon to believe, that theſe repeated advices were not without foundation, Mr. Mac Kercher adviſed him to make the beſt of his way home to the inn, which was a ſolitary houſe about a mile diſtant from the courſe, and ſent two gentlemen with all the ſervants to attend him, and he himſelf ſtaid behind, to be better informed about that matter. But Mr. Anneſley had ſcarce moved 300 yards on his way to the inn, when Lord Angleſey being informed of his retreat, and unwilling to loſe the opportunity, immediately detached ſeveral people after him, with expreſs orders to diſpatch him. And indeed they had very nigh carried his orders into execution; for, he was ſo cloſely purſued, that in turning about to defend himſelf, at the entry of a narrow lane, he and his horſe were overturned in a ditch; where, with the violence of the fall, and the weight of the horſe falling upon him, his reſpiration was ſtopped, and he lay quite motionleſs and inſenſible for ſome time. While he lay in this condition, ſeveral of thoſe ruffians coming up with him, one of them alighted, and had the but-end of his whip raiſed, to give him a finiſhing blow; when Mr. Mac Kercher, and one Mr. Archibald coming happily up at that inſtant, prevented it. But the chief care of theſe two gentlemen being wholly employed in aſſiſting the unfortunate man, whoſe recovery was almoſt deſpaired of, thoſe barbarous ruffians had by that means an opportunity of eſcaping.

The confederates having miſcarried in this firſt project, and continuing ſtill as eager as ever in purſuit of their deſigns, they immediately ſubſtituted another in the room of it, and laid a ſcheme to ſurpriſe the claimant and his friends that night in their beds; and to deſtroy ſuch of them as were moſt ob-

noxious to them, under colour of reſiſtance to the execution of a juſtice of peace's warrant, to apprehend Mr. Mac Kercher and others, for a pretended aſſault alledged to have been committed on Lord Angleſey, in the fray that happened a few hours before on the race courſe. The noble Lord himſelf, was ſo far tranſported, by his eagerneſs for the execution of this ſecond attempt, that he, that very evening, made an affidavit, expreſly charging Mr. Mac Kercher with an aſſault upon him with a horſe-whip; and thereupon obtained a warrant to apprehend him. That ſtep was looked upon by all honeſt men, with abhorrence and deteſtation; as the whole tranſaction upon which that affidavit was founded, paſſed in the preſence of above a hundred gentlemen, and others, who were ſo many eye-witneſſes of the falſhood thereof; and ſaw that he was not in the leaſt aſſaulted by that gentleman, or any of his company, nor by any other perſon; but, on the contrary, that himſelf and his accomplices were the only tranſgreſſors. Nothing therefore could be a bolder, or more daring atttack upon truth than this affidavit, except his afterwards producing three witneſſes upon his trial, to impoſe a belief of the ſame fact upon the court and the jury, tho' ſeveral of them were preſent, and ſaw the contrary. However, he no ſooner obtained this warrant, than Lacy, one of his principal agents, to whom the conduct of that expedition was intruſted, had inſtructions from himſelf concerning the management thereof, and proper arms were at the ſame time delivered to him and his accomplices; and one Anguiſh Byrn, a reſolute fellow, who for ſome time before had been in diſgrace with his Lordſhip, was, upon this occaſion, all on a ſudden, taken into high favour by him, and had great promiſes made him, and was deſired to attend Lacy, and to do as he ſhould direct him; that he had an affair of conſequence for him to do, and that Lacy would tell him what it was. Thus inſtructed, Lacy and Byrn ſet out in the middle of the night, from the noble peer's lodging, with a band of armed deſperadoes, that had been purpoſely brought from Dublin, and other places; and others were privately ordered to join them by the way (for fear of being taken notice of, in caſe they had all ſet out from one and the ſame place) in the whole about forty in number. They ſurrounded the ſolitary houſe where the claimant and his friends lodged, about an hour and a half, or two hours before the break of day, and made ſeveral attempts to get into the houſe by ſtratagem. But the maſter of the houſe being alarmed by his ſervants, and ſuſpecting ſome ſiniſter deſign, from what had paſſed the day before,

before, and the extraordinary appearance of ſo many armed people about the houſe, at that unſeaſonable hour, he rouzed the gentlemen out of their beds, and informed them of the danger with which they were threatened; they therefore immediately got up, and being joined by ſome other gentlemen who lodged in the houſe, put themſelves in a poſture of defence.

The conſpirators finding them thus prepared to give them a warm reception, and the maſter of the inn having artfully inſinuated among them, that an expreſs had been diſpatched the day before to the Lord Lieutenant, and a party of horſe every moment expected, the greateſt part of them withdrew out of fear. Lacy finding himſelf deſerted by ſo many of his followers, thought proper then to temporize, to ſuſpend all acts of violence till a more convenient opportunity, and to ſignify to thoſe gentlemen, that he came only to ſee the abovementioned warrant executed. The warrant being produced, they immediately ſet out to give bail to it, before the firſt magiſtrate they could find in their way to Dublin. But they had not proceeded above three quarters of a mile from the inn, when Lacy coming up to Byrn, and clapped a rifle-barrelled gun belonging to Lord Angleſey into his hand, ſaid, *Here is a gun for you* Anguiſh, *and your bread is baked; you ſhall be well provided for while you live, if you uſe this thing; fire at the Pretender, and be ſure you don't miſs him; and never fear, we have good horſes to carry us off, and if we are taken, we ſhall make a reſcue of it; we have people enough here to prove it for us.* Although this poor fellow had promiſed Lord Angleſey to follow Lacy's directions; yet, when he found what his inſtructions were, he was loath to dip his hands in blood; but Lacy continued to ſpirit him up to it, from the motives of ſafety and intereſt, till he at length warmed him into a reſolution of complying; then clapping ſpurs to his horſe, he rode cloſe up to Mr. Anneſley, cock'd the gun, and pointed it towards him; when two of the company perceiving his driſt, went up between them, ſtopt the coach, and perſuaded Mr. Anneſley to get into it. Lacy ſtill purſuing the inſtructions of his conſtituent, continued to animate this man, till at length a group of people from Naas, a town ſix miles diſtant from the inn, who had been appriſed of the danger thoſe gentlemen were expoſed to, by ſome timorous people, that fled from the inn, appeared at a diſtance. Lacy thinking this a proper opportunity, he again addreſſed Byrn in theſe words; *Anguiſh, they are coming to reſcue the priſoner; now is your time, there is no fear now, we can make it a*

fair reſcue; go you on one ſide of the coach, and I'll go on the other; and if you miſs him, I'll hit him. They then rode on each ſide of the coach, but were again prevented from perpetrating their deſign by the ſervants, who were ordered to ride by the ſides of the coach to keep them off. When the people from Naas came up, they were all ſecured, and carried to that place; and their arms being examined in preſence of a magiſtrate, it was found that they were all loaded with ball; and that Lord Angleſey's gun, which Byrn was to have made uſe of on this occaſion, was charged with no leſs than eight bullets. Byrn on his examination confeſſed, that the gun belonged to Lord Angleſey; that it was put into his hands by Lacy, and that he was ordered by Lord Angleſey to follow Lacy's directions. But when he was further interrogated, what directions he had received, and what uſe he was to make of the gun thus loaded with ſo many bullets, Lacy ſtopt him ſhort, and deſired him not to anſwer that queſtion; that he was not obliged to anſwer; and as the magiſtrate was a timorous man, and unwilling to diſoblige the noble Peer and his faction, the examination proceeded no further.

Tho' thoſe repeated attacks were of a very attrocious nature, and merited by ſo much the higher reſentment, as they were made without the leaſt provocation; nevertheleſs, as the trial at bar between Mr. Anneſley and Lord Angleſey his uncle, was then at hand, and Mr. Mac Kercher's time was ſo wholly engroſſed, in making the neceſſary preparations for it, and in the examination of witneſſes, on a commiſſion that was then expediting for Mr. Anneſley, from the high court of chancery of Great Britain, that he had no leiſure to ſearch into the bottom of this conſpiracy, Mr. Anneſley and he reſolved to take no further notice of it. But being informed, after the trial at bar was over, that Lord Angleſey had not only commenced an action at law againſt Mr. Mac Kercher, and alſo intended to indict him for an aſſault, at the enſuing aſſizes, but that he himſelf and his confederates had groſsly miſrepreſented the whole of that tranſaction; ſuch iniquitous proceedings obliged thoſe gentlemen alſo on their part, to exhibit bills of indictment againſt his Lordſhip and his accomplices; as well in vindication of their own conduct, as to repreſent the affair to the publick in its proper light. Indictments were accordingly prefered, by each of thoſe parties againſt the other, at the next aſſizes for the county of Kildare where the facts happened; and it appearing plainly to the gentlemen of the grand jury, many of whom were preſent,

and

and eye-witneſſes of the facts, that there was not the leaſt colour of foundation for the charge in the noble Lord's bills, *tho' ſupported by his own affidavit*, they were unanimouſly rejected: and, on the other hand, it appearing as plainly, that the matters chargeed by the claimant and Mr. Mac Kercher were true, the bills exhibited by them were unanimouſly found. Lord Angleſey and his accomplices were accordingly arraigned the next day for an aſſault only; but being afraid to ſtand trial, leſt that barbarous conſpiracy ſhould come out on the evidence for the aſſault, as it afterwards did, they traverſed the indictments, and by that means put off their trial till the following aſſizes, in hopes of eſcaping conviction, by the abſence of the claimant and his friends in England, where they knew they were neceſſarily obliged to return. Lacy and Byrn being the chief inſtruments employed, and for that reaſon the moſt obnoxious, they were terrified to ſtand trial. Byrn therefore, to ſave himſelf, turned evidence for the king, and confeſſed all he knew, which gave great inſight into the affair, and diſcovered many black tranſactions that were unknown before, which amounted to plain conſpiracy; but it was then too late to alter the indictment to make it, as it ought, for conſpiracy to murder, in place of an aſſault. Lacy was alſo reſolved to become a witneſs for the crown, from the ſame motive, but was perſuaded by his patrons and abettors, to abſcond, and not appear to take his trial.

It was of the utmoſt conſequence for Lord Angleſey and his confederates, by all means to ſtifle that wicked affair; and to prevent its being exhibited to the world, in the hideous colours in which it afterwards appeared on the trial for the aſſault; altho' but a very ſmall part of it only came out on that trial, in compariſon of what would have been diſcloſed on a trial for the conſpiracy; therefore, all the artifices and expedients poſſible were practiſed by them to prevent it. But in ſpight of all their craft and ſtratagems, their trial at length came on, and they were all convicted, except Lacy, who actually abſconded, by the inſtigation of the other conſpirators. And notwithſtanding that theſe indictments were only for an aſſault; yet, in the courſe of the evidence, a conſpiracy of a very deep dye was laid open to view, tho' not near ſo flagrant and attrocious as it would have appeared, had the trial been for the conſpiracy. However, it plainly appeared, even on this trial, from the teſtimony of one of the accomplices, and of many other witneſſes, as well as from many corroborating circumſtances, that the intention of the firſt aſ-

ſault,

fault, was to deſtroy the claimant under colour of a riot; and failing in that, their next ſcheme was to put him to death, under colour of a pretended reſiſtance to the execution of the abovementioned warrant, or of a reſcue: that Byrn was by promiſes pre-engaged for that ſervice by Lord Angleſey himſelf, and told by him that Lacy had an affair of conſequence for him to do, which Lacy himſelf would acquaint him with, and ordered him to purſue Lacy's directions; which directions, when communicated, a few hours after, were to ſhoot the claimant: that an attempt was actually made for that purpoſe; and that the perſons charged with the execution of that commiſſion, were for that very end furniſhed by Lord Angleſey with his own rifle-barrel'd gun, with which he uſed to kill deer, loaded with no leſs than eight ſmall bullets, beſides other arms. But what is ſtill a greater confirmation of the intention of thoſe violent attempts, and of the true motives they proceeded from, is, that the claimant was no way engaged in the riot that happened at the races, tho' he was the firſt perſon inſulted; nor did he give any the leaſt provocation, and yet all their attacks were chiefly pointed at him. In ſhort, the wicked intention of this attempt was ſo manifeſt to many gentlemen of credit, who had an opportunity of obſerving the management of the confederates; and ſo much of it appeared even on the trial for the aſſault, that the following bill of indictment for a conſpiracy to murder, was unanimouſly found againſt them the next day by the grand jury of the county.

The King againſt Richard Earl of Angleſey, and others.

County of Kildare. } "THE jurors for our Lord the King, upon their oaths ſay and preſent, That the "right hon. Richard Earl of Angleſey, John Jans, late of the "city of Dublin, in the county of the city of Dublin, gentle"man, and Michael Lacy, late of the ſame in the ſaid county "of the ſaid city, yeoman, on the ſeventeenth day of Septem"ber, in the ſeventeenth year of the reign of our Lord "George the Second, by the grace of God, of Great Bri"tain, France, and Ireland, King, Defender of the Faith, "and ſo forth; with force and arms, that is to ſay, with "ſwords, ſticks, and ſo forth, at Newbridge in the county "of Kildare, unlawfully, wickedly and maliciouſly intending, con-

" confederating, and contriving together, to take away the " life of the honourable James Anneſley, Eſq; and murder " him then and there, being a good and faithful liege ſub- " ject of our ſaid Lord the King, did, in order to execute " and perpetrate their ſaid wicked intention, and to kill and " murder the ſaid James Anneſley, then at Newbridge afore- " ſaid, in the ſaid county of Kildare, incite, move, ſtir up, " and ſolicit Anguiſh Byrne, late of the city of Dublin, in " the county of the ſaid city of Dublin, yeoman, to kill and " murder the ſaid James Anneſley; and then and there the " ſaid Richard Earl of Angleſey, John Jans, and Michael " Lacy, and every one of them, made ſeveral promiſes to " the ſaid Anguiſh Byrne, that they and every one of them, " would reward the ſaid Byrne, if he would kill and murder " the ſaid James Anneſley; and then and there, by the ſaid " promiſes, and other unlawful ways and means, did incite " and ſolicit the ſaid Anguiſh Byrne, then and there to ſhoot " the ſaid James Anneſley, with leaden bullets, then to be " diſcharged out of a gun, then belonging to the ſaid Rich- " ard Earl of Angleſey, and which was then loaden with " powder and the ſaid leaden bullets; and the ſaid Michael " Lacy, before that time, the ſame day, to fulfil and exe- " cute the ſaid wicked intention aforeſaid, did then and there " give the ſaid gun ſo loaden, as aforeſaid, to the ſaid An- " guiſh Byrne, and deſire him to fire and diſcharge the ſame, " at and againſt the ſaid James Anneſley, in order to kill and " murder him, in execution of the ſaid wicked and malicious " intention and deſign of the ſaid Richard Earl of Angleſey, " John Jans, and Michael Lacy; and other wrongs and in- " juries to the ſaid James Anneſley, the ſaid Richard Earl " of Angleſey, John Jans and Michael Lacy, then and " there did, and put him in dread and great peril of his life, " contrary to the peace of our ſaid Lord the King, his crown " and dignity."

Thomas Kanning, Deputy Clerk of the Crown.

The conſpirators alſo traverſed this laſt indictment, in order to put off the trial, as they had done the former, till the enſuing aſſizes; and, from the ſame motive, the hopes of eſcaping conviction by the abſence of the perſon who managed the proſecution, and of the principal witneſſes in England. In this, as it happened, they were not diſappointed; for, Mr. Mac Kercher, who had the chief conduct of the proſecution, having, about the time

time of the Lent Aſſizes, when the indictment was to have been tried, affairs of the utmoſt importance on his hands in England, relating to the claimant's petition for the peerage, he found it impoſſible for him to go over to proſecute that ſuit: and being adviſed, that the proſecutors for the crown, had by law and the common practice, a right to put off the trial till the following aſſizes; he therefore, in order to prevent Lord Angleſey and his accomplices from putting themſelves to any trouble or expence in preparing for a defence till then, ſerved them with early notice of the intention to put off the trial till the ſummer aſſizes; and alſo ſent proper vouchers of the moral impoſſibility of his or the witneſſes attending till then; and therefore a motion was made at the Lent aſſizes, to put off the trial. But the conſpirators, conſcious of their own guilt, and of the weight of the evidence againſt them, were ſo far from truſting to their defence, or to the event of a fair trial by their country, for their acquittal; that they took advantage of the abſence of Mr. Mac Kercher, and the witneſſes againſt them, and exerted their utmoſt efforts to get themſelves acquitted for want of proſecution; and at length obtained it, by the extraordinary indulgence of the court. However, this eſcape, and the low expedients made uſe of to extricate themſelves, conſidering the heavy imputation, that the manifeſt proofs of guilt on their former trial for the aſſault, and the charge in this indictment, carried along with them, were ſo far from clearing them in the eyes of the world, that they were conſidered by all diſintereſted perſons, as a further preſumption of their guilt. For it was very properly obſerved on that occaſion, that no men, conſcious of their own innocence, would in ſuch a caſe, decline the benefit of a fair trial, in order to clear it up to the world; and that a ſubterfuge of this kind, attended as it was, with ſuch circumſtances, could by no means be deemed an acquittal from guilt, however it might free them from puniſhment; but more eſpecially, as they could not plead, that they had been put to any extraordinary expence or the trouble of attendance, for want of due notice[36].

But,

[36] Altho' the conſpirators providentially failed in the execution of this intended aſſaſſination, it is manifeſt from evidence, as well as many concurring circumſtances, that it was a premeditated well digeſted ſcheme. Nay, it is very clear from many circumſtances, that it was contrived at Dublin; for ſome of the conſpirators own principal agents, were ſo imprudent, as to ſuggeſt, and even to boaſt to ſome of their friends, what would happen at the races to the claimant and his friends, ſeveral days before

But, to return to the law proceedings, in the great cauſe relating to the eſtate; when Lord Angleſey and his confederates, found that they had been diſappointed in all their ſchemes againſt the claimant's life; that all ſubterfuges contrived to delay and ſtave off the proceedings in the court of exchequer, had been defeated; and that a trial at bar was inevitable; every method that could be thought of, was practiſed to deceive and diſtreſs him. Falſe witneſſes, and forged written evidence, were with great art and induſtry, thrown in the way of his managers, with a view of drawing them in, to make uſe of them to the deſtruction of the cauſe. Among many other inſtances that could be mentioned a moſt glaring impoſition of this kind was attempted, a few days before the trial came on to be heard; in order thereby to ſhift a mutilation, that the confederates had committed on the regiſter of the pariſh of New-Roſs, in which the claimant's birth and baptiſm had been regiſtered, from off themſelves, upon him and his managers; which, for the ſingular craft and wickedneſs of the caſe, deſerves particular notice. It is therefore to be obſerved, that when the claimant, and thoſe who accompanied him from England, went firſt to New-Roſs, after his return from ſlavery; they were informed, by one captain Foreſtall, and ſeveral others of that place, that his birth and baptiſm were recorded in the regiſter of that pariſh, by Mr. Loyd the curate, who baptized him; where it ſtood, and was to be ſeen for ſome time: but that there was reaſon to ſuſpect, that part of the regiſter had been deſtroyed, for ſome leaves were tore out of it, which related to the very period of the claimant's birth. Mr. Mac Kercher, upon receiving this information, deſired to inſpect the book, and did all he could to procure a ſight of it; but it being in the power of Lord Angleſey's confederates, he could not obtain that favour, which greatly increaſed his ſuſpicion of fraud. He therefore was adviſed about the time of the trial at bar, to ſubpœna the curate and pariſh clerk, and by a ſpecial order of court, to oblige them to produce the regiſter on the trial. This he was determined to do, but his intention having, by ſome means or other, been diſcloſed to the adverſe party, who had always their ſpies about him; they plainly foreſaw, if the regiſter ſhould continue in their cuſtody till produced

before they ſet out from Dublin for the Curragh; and again the firſt day of the races, tho' the affair did not happen till the laſt day; and plainly told, that they would have good luck if they eſcaped from the races without bloody noſes.

on the trial, with this mutilation, it muſt neceſſarily induce a ſtrong ſuſpicion, of its having been perpetrated by their means and procurement, in whoſe power it was. To avoid that imputation, and throw it on the claimant and his managers, matters were ſo contrived, that the pariſh clerk of New-Roſs, who was a tenant to the Earl of Angleſey, and intirely dependent upon him and his friends in that town, brought the regiſter to Mr. Mac Kercher's lodging in College-green Dublin, a few days before the trial came on to be heard, pretending that there was a fair entry in it of the claimant's birth and baptiſm; and that he had carried it away privately, and unknown to any one, in order to ſerve him on the enſuing trial at bar. Mr. Mac Kercher knowing this man to be a creature of Lord Angleſey's, and intimately connected with his faction at New-Roſs, could not help ſuſpecting ſome trick, notwithſtanding this plauſible pretext; he therefore would not receive him, or ſuffer him to produce the book, excepti the preſence of ſeveral other gentlemen. On its being produced, and the place where the entry was alledged to be, turned up; there was indeed an entry found of the claimant's birth and baptiſm, but ſuch a one as plainly appeared to be a downright forgery, recently but artfully inſerted. It alſo plainly appeared, that the two leaves immediately before that wherein the forgery was inſerted, which intirely related to the preciſe period of the claimant's birth had been torn out of the book: for, it was very obvious, that the marriages, baptiſms, and burials for the Spring and Summer of the year 1715, had been inſerted in theſe two leaves; ſo that there was a manifeſt diſcontinuance, or chaſm, of near ſeven months, about the time of the claimant's birth, wherein no marriage, baptiſm, or burial, appeared in the regiſter of that great, and, at that time, populous town. The pariſh clerk being charged with the forgery, and the villany he had committed in altering a record, and being preſſed to diſcover by whoſe procurement he did it; he, for a long time, perſiſted that it was a genuine entry, made at the time of the claimant's birth; but upon his being threatened to be ſent to gaol, he at length confeſſed it to be a forgery; but could never be brought to acknowlege, from what motives, or by whoſe inſtigation he had committed it. He was however directly carried before a magiſtrate, where he was re-examined, and bound over in a recognizance to appear and take his trial, at the next commiſſion of Oyer and Terminer; and the regiſter, together with his examination, were in the mean time ſealed up, and left in the cuſtody of

of the magiſtrate; in order to be produced upon his trial, as evidence againſt him. But when matters were preparing for a proſecution, and the regiſter demanded from the magiſtrate, in order thereby, to diſcover, by whoſe means and procurement the forgery had been committed, it was not to be found; and at length a diſcovery was made, that Lord Angleſey's attorney, had (to prevent a trial from taking place) in colluſion with this righteous magiſtrate, who was a partizan to that noble Lord and his party, privately taken away the regiſter, aud carried it off with him, under a ſham pretence of replevin; by which contrivance, theſe gentlemen were deprived of the means of carrying on the proſecution with effect. About a year after this, Mr. Mac Kercher diſcovered, that Mr. Loyd, who baptized the claimant, made an entry, in a pocket-book he kept for that purpoſe, of all chriſtenings, marriages and funerais he officiated at. This pocket-book had from his death remained in the hands of his youngeſt ſon, who is chaplain to the preſent Earl of Angleſey, and under promiſes of preferments from him, and for that reaſon, a moſt virulent partizan of his in the town of New-Roſs; he being one of thoſe that Lord Angleſey took care to ſecure in his intereſt. As there was no great probability of coming at a ſight of the book from this man, Mr. Mac Kercher made uſe of his elder brother's interpoſition, who undertook a journey on purpoſe from Dublin to New-Roſs; but when the book was produced to him, he found that two leaves had alſo been tore out of it, that related preciſely to the period of the claimant's birth, in the ſame manner as out of the pariſh regiſter. This gentleman, who is a clergyman of character, made ſtrict enquiry of his brother, how thoſe two leaves came to be tore out; but could get no other ſatisfaction than this, that Lord Angleſey's people had the book in their cuſtody for ſome time; and he did not know how they were tore out, unleſs it was done when they had the book. Theſe facts and circumſtances being laid together, and duly conſidered, it is ſubmitted to the judgment of all mankind, whether there can remain any doubt, who were the authors, of the mutilation of theſe two leaves in the regiſter, and in Mr. Loyd's pocket-book, or of the reaſons or motives for tearing them out: for, as they were the only leaves wanting in thoſe books, it is manifeſt, that thoſe who tore them, muſt have had more than ordinary reaſons for deſtroying that part of them, wherein the baptiſms of ſo critical and important a period to this cauſe, as is that of the Spring and Summer 1715, which was the preciſe time of the claimant's

birth were recorded, rather than any other part of the book. And as both the books have all along been in the power and cuſtody of the confederates, thoſe mutilations ſo exactly coinciding together, in relation to that period, is not only a ſtrong confirmation of the above intelligence given by captain Forreſtal, and others; but amounts to a moral certainty, that thoſe leaves have been tore out by the confederates, in order to deſtroy that evidence of the fact. Beſides this, and many other arts of the like nature, all other methods that could be invented, were practiſed to diſtreſs the claimant and his managers, and to lay them under difficulties. A very extraordinary number (no leſs than fifteen) of the moſt eminent counſel of the kingdom, were retained by the confederates, merely to deprive him of the benefit of their aſſiſtance on the expected trial. And ſuch of them as the noble Earl himſelf did not retain, were retained by others his confederates; by whoſe inſtructions they appeared on the trial as counſel for him, and were every way as active in examining and croſs-examining the witneſſes, in objecting to, and litigating many points of evidence, with as great acrimony, vehemence, and warmth of expreſſion, againſt the claimant and his cauſe, as the defendant's own counſel. And tho' they had no manner of right to appear or ſpeak there, as their conſtituents were no parties to the ſuit; yet their zeal carried them much farther than even Lord Angleſey the defendant's own counſel. Mr. Malone's ſpeech and obſervations on the evidence in particular, is in great part a continued miſrepreſentation of facts and circumſtances, purpoſely calculated to impoſe on ſuch as were not preſent at the trial; which he carried to ſo indecent a length, as drew upon him a formal complaint to the bench, from the jury, after they had delivered their verdict into court. The claimant was nevertheleſs ſupported in this ſuit, by ſome very able gentlemen in their profeſſion; who gave their aſſiſtance on that occaſion, rather from generoſity, and an abhorrence of oppreſſion, than from any view to gain.

The trial at length came on the 11th of November, 1743, at the bar of the court of exchequer, and was continued by ſeveral adjournments, with the mutual conſent of the parties, from nine in the morning, till nine, ten, and ſometimes till eleven at night, for fourteen days. It was remarkable, that the claimant proceeded to this trial under very great and manifold diſadvantages: for his adverſaries had not only an opportunity of knowing the whole of his plea, and all that each of his witneſſes had to ſay, long before the trial came on to

be

be heard [37]; but they, by that means, had alſo an opportunity of forming a ſtronger defence than otherwiſe they could have done, and of preparing their evidence to contradict his plea, and materials for a premeditated, ſevere, and enſnaring croſs-examination of his witneſſes, moſt of whom were ſimple country people, who had never appeared in any court before. The claimant himſelf, and the perſon chiefly concerned in the management for him, were, at the time that trial was proceeded upon, in a manner, utter ſtrangers in Ireland; and not then thoroughly acquainted with the merits of his caſe, or with the moſt material evidence to ſupport it. For as they had been in that kingdom but a few weeks before the cauſe came on, and had little or no time, or opportunity to be acquainted with the people of the country, or to converſe with perſons of rank or faſhion, who could inform them; many material facts, and many witneſſes, who would have been of the higheſt conſequence on that trial, had they been diſcovered in time, remained unknown and undiſcovered to them, till a conſiderable time after it was over. Thus were they not only under a neceſſity of laying before the court and jury ſuch evidence as came to their hands, without being thoroughly acquainted with the characters or capacities of many of the witneſſes, ſome

[37] Upwards of ſixty of the claimant's witneſſes had been examined in the Engliſh cauſe, by a commiſſion from the court of chancery of Great Britain before the trial came on to be heard. But Lord Angleſey not daring to fix the evidence of his witneſſes, artfully declined to examine any of them upon that commiſſion; by which artifice his commiſſioners had an opportunity of knowing the whole of Mr. Anneſley's plea, before the evidence of their own witneſſes was fixed by any previous examination; and when they had made themſelves thoroughly maſters of the evidence of his witneſſes, then the very ſame perſons who acted as commiſſioners for the noble Earl on that commiſſion, alſo drew his briefs, inſtructed his counſel, and prepared his witneſſes for the trial. And even appeared barefacedly as attorney and ſollicitor for him on that remarkable occaſion. This was not only unfair and illegal in itſelf, but contrary to all decency, and met with a very ſevere and juſt reproof from the bench; who declared, that they muſt own Mr. Anneſley to be a very fair adverſary, in giving the defendant ſuch an advantage over him: and indeed the effects of this piece of management ſoon appeared on the trial; for the very expreſſions that had been made uſe of by Mr. Anneſley's witneſſes, and the circumſtances mentioned by them in their examinations on that commiſſion, were afterwards perverted, and put in the mouths of Lord Angleſey's witneſſes on the trial; which was impoſſible to happen any other way, than their being inſtructed by thoſe worthy commiſſioners; who contrary to all law and reaſon, acted as attornies, and as commiſſioners for the noble Earl, at one and the ſame time. But this, and many other things of the like nature, unfavourable for Lord Angleſey, were ſuppreſſed in the printed trials.

ſome of whom they never had ſeen or heard of, till the trial had been pretty far advanced in; but were alſo expoſed to the further inconveniency, as before hinted, of having ſome witneſſes impoſed upon them by the adverſe party, on purpoſe to hurt and deſtroy the cauſe. This deception was ſo manifeſt, in the caſe of one Mrs. Blake, and others, that it was taken particular notice of by one of the judges who tried the cauſe, in his charge to the jury [38].

Not-

[38] Many have deen detected by the claimant's managers, in their firſt attempts to thoſe vile impoſing arts; and have, on that account, been rejected by them, tho' they aſſumed an air of the warmeſt zeal, and declared matters of the higheſt importance for the claimant. Others had ſo artfully managed their infamous impoſtures of this kind, by diſtant inſinuations of what they pretended to know, as to induce the claimant's managers even to compel them to appear in court, and give evidence on the trial; and yet, when they came there, gave a teſtimony directly contrary to what they had declared but the moment before, in the preſence of ſeveral people of credit. This was very evident in the caſe of Mrs. Blake, who had upon his firſt arrival from America, declamed ſtrenuouſly in the claimant's favour; and was ſo particular in her narrative, as to declare, "That ſhe was ſure Lady Altham had a ſon; for, that ſhe conſtantly viſited her, in Winter 1714: that her Ladyſhip was then pretty far gone with child: that ſhe invited her to accompany her to the country, and to continue with her till ſhe ſhould be delivered: that ſhe accepted of her Ladyſhip's invitation, provided her father (who was a diſtant relation of Lord Altham's) approved of it: that upon her Ladyſhip's application to her father, he declined to let her go at that time; but ſaid, that ſhe ſhould attend her Ladyſhip before the time of her delivery: that ſhe received a letter from Lady Altham ſome time after from the country, acquainting her, that ſhe was now very near her time, and challenging the performance of her promiſe; and that her father received another from Lord Altham to the ſame effect: that her father would not conſent to her going to Dunmain; but ſhe afterwards heard of Lady Altham's being delivered of a ſon there; and when her Ladyſhip was able to write, received a letter from her with an account of it: and that ſhe had thoſe ſeveral letters then in her cuſtody." Mr. Mac Kercher having received an account of this converſation, which had been repeated more than once, and conceiving her evidence to be of ſo much the greater importance, as ſhe was known to be in intimate connections with, and nearly related to ſome perſons deeply intereſted in the iſſue of the cauſe; and preſuming her to be a woman of probity, ſpared no pains to come at her teſtimony. But finding that ſhe was very ſhy, and that he could have no acceſs to her, he not only wrote to her in the moſt pathetic terms, to deſire, for the ſake of juſtice and conſcience, that ſhe would communicate the letters, and appear, to prove them on the enſuing trial; but waited on a ſiſter of her's, to requeſt that ſhe would interpoſe her good offices, to prevail on her to comply with ſo juſt a demand. The ſiſter, far from contradicting this account, alſo ſuggeſted, that there were ſuch letters; but excuſed herſelf from intermeddling in that affair; alledging, that her ſiſter and ſhe had been at variance for ſeveral years, and were but lately reconciled; and that her interfering in it

Notwithſtanding all theſe, and many other diſadvantages, a verdict was found for the claimant, after the faireſt, the longeſt, and the moſt ſolemn trial that ever was known in theſe

it might be the occaſion of a freſh miſunderſtanding between them, but adviſed that her ſiſter ſhould be ſubpœnaed; for if ſhe once appeared in court, all would come out. This advice was accordingly purſued, but there was no ſmall difficulty in finding an opportunity of ſerving her with a ſubpœna, on account of her affected ſhyneſs, and of her lodging at the houſe of one, whoſe elder brother was ſaid to be deeply intereſted in the iſſue of the ſuit, and a partizan of Lord Angleſey's in the county of Wexford, and as ſuch to have violently oppoſed her appearance. She, however, at length, after withſtanding the ſervice of two ſubpœnas, and concerting meaſures with Lord Angleſey's managers, as was afterwards detected, thought proper to attend. Notice being brought to Mr. Mac Kercher, of her being at a houſe near the court-hall, he immediately waited on her, accompanied by another gentleman; expreſſed his concern, that juſtice to his unfortunate friend, ſhould oblige him to give her a trouble, which he perceived was not agreeable to her. She made anſwer, that what ſhe had to ſay could be of no great ſervice to Mr. Anneſley, as it was no more than hearſay: that ſhe had indeed heard that Lady Altham was delivered of a ſon at Dunmain the year after Queen Anne's death; but that ſhe was informed ſuch hearſay was no evidence; and hoped, as that was the caſe, he would excuſe her backwardneſs to appear. To this it was replied, that even what ſhe mentioned, was of ſome conſequence, but hoped ſhe would recollect ſomething more, and deſired ſhe would be ſo good as to ſtep into court. She then pretended earneſt buſineſs with one Blake, a counſellor and chief manager for Lord Angleſey, whom ſhe ſtrenuouſly inſiſted on ſeeing, before ſhe went in to be examined. Mr. Mac Kercher was determined ſhe ſhould not ſee him, till after her examination; and therefore avoided ſending for him out of court, under various pretences; at which ſhe expreſſed great uneaſineſs. However, finding it was in vain to expect him, ſhe was handed into court; and Mr. Mac Kercher not in the leaſt doubting but all the truth would come out on her examination, conveyed a ſet of interrogatories ſuited to her former declaration to the counſel who examined her. But, to his very great ſurpriſe, as well as that of thoſe who had come with her, ſhe not only denied all that ſhe had declared formerly, but even what ſhe had ſaid in their preſence the moment before ſhe went into court. This, among many others, is an inſtance not only of the great influence uſed to ſuppreſs evidence, but of the arts that have been practiſed to deceive and impoſe upon the claimant and his managers to produce witneſſes to hurt the cauſe. But this fraud as well as ſome others of the ſame nature were too glaring and manifeſt to eſcape the obſervation of the court and jury. It has however appeared ſince, that the management on the part of Lord Angleſey and his confederates in relation to this affair, hath been conducted with great art and cunning. For after this woman had been ſeduced, and gained over to their ſide, they intended to have produced her as a witneſs for them on the trial; but when they found that her former declarations had been diſcovered by Mr. Mac Kercher, and that ſhe was ſubpœnaed on behalf of the claimant, they thought it more adviſeable to let her appear as his witneſs than theirs, becauſe by that means, ſhe would not only avoid a ſevere croſs-examination as to thoſe former declarations; which ſhe muſt have undergone, had ſhe been

theſe kingdoms. And as no trial for property in the memory of man, if conſidered in all its circumſtances, was of near the conſequence of this, ſo none was ever carried on with greater ſolemnity. For, no leſs than three diſtinct peerages, and an immenſe eſtate depended on eſtabliſhing the fact that was in iſſue upon it; all the other courts of juſtice, and both houſes of parliament, adjourned the whole time it continued; and many members of both houſes attended the trial. And as there was reaſon to apprehend, from the number, power and diſpoſition of the claimant's adverſaries, and from their influence upon, and connections with ſeveral deſperate lawleſs gangs in and about Dublin, and from the ſpecimen they had given of their proweſs a few weeks before at the Curragh races, that ſome diſturbance would be promoted by them, a ſtrong guard was ordered by the Lord Lieutenant to mount at the Tholſel, a ſmall diſtance from the court hall, during the time of the trial, to prevent any overt-acts of violence from being attempted. This verdict was found by a jury which cannot be eaſily paralleled in any country, conſiſting of gentlemen of great property, and of the higheſt reputation in point of honour, probity, and diſcernment; who could not be eaſily deceived, nor by any means ſuſpected of the leaſt prepoſſeſſion, or partiality in favour of the claimant, to whoſe perſon they were entire ſtrangers, as they were to his managers; but more eſpecially, as they were perſons not only far above any ſuſpicion of that kind, but as ſome of their neareſt relations and neighbours were deeply intereſted in the iſſue of the ſuit, and loſt conſiderably by their verdict. Nor could the exemplary care taken by them to guard againſt all prepoſſeſſions, and to make themſelves maſters of the evidence be exceeded. For during the whole time of the trial, they carefully avoided all manner of intercourſe and commerce, not only with their friends and acquaintances, but even with their own families. They all took notes of the evidence; and, after the adjournment of the court (which for the moſt part was

been produced by them, but alſo the weight of the counter-evidence to prove them. But as ſhe was produced on the part of the claimant, he could not by the rule of evidence eſtabliſhed in the courts, examine any witneſſes againſt her. Notwithſtanding the vile conduct of this woman, ſhe had the uncommon aſſurance, the next day after the trial, to come publickly up to Mr. Anneſley and Mr. Mac Kercher in Stephen's green, and to congratulate them on their ſucceſs, in the preſence of colonel Forreſter, and ſeveral other gentlemen; and to declare, that ſhe could have ſaid ſeveral things that would have ſerved Mr. Anneſley, if ſhe had been properly examined.

was late) while their repaſt was preparing, they compared and ſettled the evidence of that day, before they would ſit down either to eat or drink. Theſe circumſtances are proper to be taken notice of, as they not only redound to the honour of thoſe worthy gentlemen, whoſe example merits the imitation of all other juries; but as they greatly add to the weight and importance of the verdict found by them [39]. And as this trial may be ſaid, to have paſſed under the eye and cognizance of the principal nobility and gentry of the kingdom; ſo it was remarkable, that no verdict ever gave more general ſatisfaction to all diſintereſted perſons, who were within reach of knowing, or of being juſtly informed of the ſtate of the proceedings; a truth which plainly appeared by the rejoicings, and compliments of congratulation, paid to the claimant and his managers on his ſucceſs, by people of all ranks; even by thoſe who had carefully avoided giving any countenance to his pretenſions, before they were convinced of the juſtice of them by this trial and verdict.

The defendant, Lord Angleſey, was ſo conſcious of the ſtrength and merits of the claimant's caſe on that trial; and ſo thoroughly perſuaded that the verdict would go againſt himſelf, that he ordered a writ of error to be made out, even before the trial was near concluded: and judgment was no ſooner given upon it for the claimant, than he inſtantly ordered it to be lodged, though he was very conſcious that no manner of error whatever could be aſſigned. This ſtep was taken, meerly with a view of laying a foundation for vexatious quibbling and delay, to keep the claimant out of poſſeſſion of the ſmall eſtate he had recovered by the verdict, and by that means deprive him of all the aids, he might juſtly expect from the poſſeſſion of it, to enable him to proſecute his right. That writ of error has therefore, (to the great ſcandal of common and publick juſtice, and contrary to the known practice of our laws, and to all precedent,) been kept on foot ever ſince, by the united force and contrivance of the whole party; and by means of the moſt oppreſſive, the moſt unprecedent-

[39] If the minds of ſuch men could have been warped by the leaſt degree of partiality or prejudice; or if the caſe had not appeared quite clear to them, it was by far more natural for them, to have leaned againſt the claimant than for him; on account of the intereſt that a gentleman, who was nephew to Sir Thomas Taylior the foreman, firſt couſin to two other gentlemen of that jury, and a near neighbour and intimate acquaintance to all the reſt, had in the verdict, by which he loſt a very conſiderable eſtate.

ed, and moſt ſcandalous inventions that ever were known or heard of in theſe kingdoms. This expedient however, was far from quieting their minds; as they could not reaſonably expect a writ of error could ſubſiſt by a regular courſe of law, above eight or ten months at moſt; tho' matters have ſince turned out quite otherwiſe, by the extraordinary countenance and indulgence given by a certain court, to the artful contrivances practiſed to keep it on foot.

The ſignal advantage gained by Mr. Anneſley over his adverſaries by this verdict, after ſo ſolemn and impartial a trial, at firſt threw the whole party into the utmoſt deſpair. The noble Peer himſelf began again to think of a compoſition; and the ſecond day after the trial, Charles Anneſley, another of the claimant's principal adverſaries (who had partaken largely of the ſpoils of his eſtate, and who had joined his whole intereſt with Lord Angleſey's againſt him) giving up all for loſt, threw himſelf intirely on the claimant's mercy; ſent one Sir Richard Levinge a relation of his wife, to congratulate him in his behalf, on his ſucceſs; declared he was now thoroughly convinced of the juſtice of his claim, and extremely concerned for the part that he himſelf had acted againſt him; that he hoped he would pardon him, and do ſomething for him, as a near relation; for, that he muſt be utterly undone, unleſs the claimant would have compaſſion upon him. Mr. Mac Kercher, to whom this meſſage was firſt communicated by Sir Richard, not a little ſurpriſed at ſuch an application, from a man who had exerted himſelf in a very extraordinary manner, againſt the perſon whoſe friendſhip and aſſiſtance he now ſued for; deſired to be ſatisfied by Sir Richard, with whom he was well acquainted for ſeveral years, whether he applied to him of his own accord, or at the requeſt of Charles Anneſley? and whether he had it in commiſſion from Charles Anneſley himſelf, to ſay what he had declared in his behalf? Which being anſwered in the affirmative, Mr. Mac Kercher then plainly told him, that Charles Anneſley had acted ſuch a part in this affair, as left very little room to expect much favour from the claimant: however, (if he did honour to truth, by acknowledging the claimant's right in an authentic manner, and diſcovering what he knew that could be of ſervice to him) he would uſe his intereſt in his behalf. This condition being readily accepted by Charles Anneſley, Sir Richard returned the ſame day with a compliment from him to Mr. Mac Kercher, thanking him for his good intentions of reconciling his kinſman to him; and the ſtrongeſt aſſurances, that he would do every thing in his

power to ſerve the claimant. He at the ſame time earneſtly deſired a meeting with him; which being agreed to, it was propoſed their interview ſhould be at Sir Richard's houſe, who was to give Mr. Mac Kercher notice of the time. After ſuch a ſtep, and the humane reception that his application met with, there was reaſon to believe that this man would have continued ſteady. But Lord Angleſey and his party, having by this time, held ſeveral conſultations together, wherein among other things, the claimant was conſidered by them as ſupported only by one gentleman, of a ſlender fortune, who could not long hold out, or ſupport the expence of many ſuits, with the ſame ſpirit he had hitherto done; they thereupon recovered from the dejection that this firſt blow had thrown them into; and Charles Anneſley, who had underhand attended all their meetings, at the very time he was in treaty with the claimant, (being ſpirited up thereto by ſome of his wife's friends) retracted the commiſſion he had given to Sir Richard Levinge to interceed in his behalf. Sir Richard thinking himſelf ill-uſed by this ſudden change, expoſtulated warmly with him upon it, by letter; in anſwer to which he proteſted, that this ſudden change of his conduct towards the claimant, was not a voluntary act of his own, but was owing to the perſuaſions of Dr. Cobb, archbiſhop of Dublin, and of the Lord Chief Juſtice Marlay; who, as he declared, not only inſiſted on his proceeding no further in that tranſaction with the claimant and Mr. Mac Kercher; but on his adhering firmly to Lord Angleſey.

Notwithſtanding the ſolemnity of the abovementioned trial, and the general ſatisfaction given by the verdict; the adverſe party relying on their great power and influence, no ſooner recovered from their conſternation and dejection, than they immediately ſet all their engines to work, to vilify and leſſen its importance; and to prevent the ſame influence that it had on the minds of ſuch as were preſent at the trial, and had an opportunity of obſerving the conduct of both parties, and their witneſſes, from diffuſing and communicating itſelf to England and other diſtant places; by miſrepreſentations, and falſe pretences, of an equality of evidence on both ſides, and pretended ſuggeſtions of an uncertainty which of the two parties was right[40]. Many low unwarrantable arts were deviſed

[40] This was very far from being the caſe; for notwithſtanding the great contrariety of evidence that appeared, all diſintereſted perſons that were preſent at the trial, very clearly ſaw who was in the right. For it

deviſed and practiſed, to countenance and ſupport this fiction. Many reports, equally falſe and ſcandalous, were ſecretly propagated, by a numerous ſwarm of agents and emiſſaries employed for that purpoſe, as well in private aſſemblies and clubs, as in places of publick reſort. And, to complete the deluſion, the tranſcript of the evidence, which had been taken in ſhort-hand by a noted partizan and retainer to the faction, was manifeſtly vitiated in numberleſs inſtances, to the diſadvantage of the claimant; by frequent omiſſions, interpolations, and other alterations, grea ly varying from the truth of the evidence as delivered in court. And thus corrupted and diſguiſed, it was printed and publiſhed to the world, in order to impoſe upon, and puzzle ſuch as had no means of better intelligence [41].

But altho' many perſons, unacquainted with the characters of the witneſſes, and the true ſtate of the evidence, may have been

was evident to all the world that knew the perſons, that there was not ſo much as one witneſs of the leaſt degree of character, or credit, produced on Lord Angleſey's part, who gave any evidence in the leaſt material; and that the moſt part of them deſtroyed their own evidence by their manifeſt contradictions. As to colonel Loftus, Mr. King the apothecary, and Mr. Derinzey, Lord Angleſey's agent, who were the only men of character that appeared on that ſide of the queſtion; it is plain they were brought, rather to give ſome reputation to the ſide they appeared upon, than for any thing they could ſay; for they ſaid nothing to the purpoſe. Colonel Loftus, who was no way acquainted with Lord or Lady Altham, and lived at a conſiderable diſtance from them, tho' in the ſame county, is called upon to give evidence of what he heard concerning Lord Altham's having a ſon born eight and twenty years before. Is it not poſſible that Lord Altham might have had a ſon born, and colonel Loftus never hear of it? And is it not equally poſſible, nay more than probable, if he had heard of Lord Altham's having a ſon born, that he forgot a matter that ſo little concerned him, in the courſe of twenty eight years. Let any one appeal to his own experience, he will ſoon be convinced, that he hath forgot many births which he hath both heard and read of, in half that ſpace of time. Is therefore the evidence of twenty, or any number of witneſſes, ſuch as colonel Loftus or Mr. King, to be put in competition with one or two witneſſes of fair character, ſwearing poſitively to a fact within his own knowledge and remembrance? And yet thoſe two gentlemen, and Mr. Derinzey, were the only perſons produced by Lord Angleſey as witneſſes, upon whoſe veracity the jury could lay any ſtreſs; a truth, which could be made out by an induction of particular reaſons, were it proper or neceſſary.

[41] The perſon who took the trial in ſhort-hand, was detected, while he tranſcribed it for the preſs, attending Lord Angleſey and his managers from time to time, with his tranſcript, for their reviſal; and it was no ſooner publiſhed, than it was greatly complained of, not only by the gentlemen of the jury, as varying from their notes in many inſtances, but by ſeveral other perſons who attended the hearing of the cauſe.

been impoſed on by theſe, and other artifices of the like nature, it is well known, that the evidence delivered by the witneſſes for the claimant on the trial, (however their memories, at ſo great a diſtance of time, might have failed in trifling immaterial circumſtances) appeared ſo ſatisfactory, that the jury were not under the leaſt difficulty, but without any heſitation found their verdict for him. And it muſt ſurely be admitted, by all who are capable of judging, and have no intereſt in judging wrong, that the jury, who were well acquainted with the different conduct of the contending parties, and with the different characters of the principal witneſſes on both ſides, and who had for fourteen days particularly and carefully conſidered the evidence in all its circumſtances, were much better judges thereof, than ſuch as catch their opinions from narratives, rumours, and reports. For theſe gentlemen had at the trial, a near view of the different manner in which the witneſſes delivered their teſtimonies, and an opportunity of obſerving many circumſtances, and diſtinguiſhing characteriſticks of truth and falſhood, that are intirely loſt to diſtant enquirers, and even impoſſible to be adequately repreſented, or conveyed to the mind, by any printed relation however exact and faithful; but far leſs, by the peruſal of ſuch falſified and imperfect accounts, as have been thus artfully drawn up, and thrown out into the publick on purpoſe to miſlead, and to infuſe doubts and ſcruples into the minds of ſtrangers to the proceedings.

But beſides what appeared in evidence for the claimant, which of itſelf was more than ſufficient to convince thoſe gentlemen; they could not but obſerve, as all other unprejudiced perſons did, the great inequality of the parties engaged; the great advantages that the uncle enjoyed in every other reſpect (except truth and juſtice) over the nephew, by means of his vaſt poſſeſſions, and of the power and influence he had in the county of Wexford, all around the place of his birth; by means alſo of the great difficulties to which the uncle's own conduct towards him, and an abſence of ſixteen years, in conſequence thereof, had at this time ſubjected him in the proofs of his birth. Nor could the contraſt between the different manners and management of the two parties eſcape their obſervation. They could not but ſee, that a man, who had confeſſedly tranſported and ſold his orphan-nephew into ſlavery; who on his return, had carried on ſo unwarrantable and cruel a proſecution, to take away his life, under colour of law; and who had given ſuch glaring proofs of his ſkill

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and dexterity in the management of witneſſes for that cruel purpoſe, was no leſs capable of exerting the ſame happy talent and diſpoſition, when his all was at ſtake; more eſpecially as he had ſo many coadjutors, who were equally intereſted with himſelf, and whoſe abilities in that reſpect, fell nothing ſhort of his own. It could not but be very apparent to them, as it was to all others that were preſent at the trial; that far the greateſt part of the witneſſes produced by the uncle, were either his tenants, dependants, pot-companions, or people ſome way or other connected with him, or intereſted againſt the claimant's ſucceſs: that many of them were perſons of ſuch profligate lives, as to deſerve no credit: that, thoſe of them particularly, who appeared under the pretended denomination of colonels, (Colonel Loftus alone excepted, who had nothing to ſay, and was brought there only to give credit and countenance to that party) independent of the levity of their characters, made ſo ridiculous a figure, and gave ſuch abſurd, inconſiſtent, and contradictory evidence, as no court or jury whatever could honour with the leaſt degree of credit[42]. On the other hand, they could not but obſerve,

[42] As the ſounding epithet of colonel, which in appearance denotes a perſon of ſome rank and dignity in his country, was ſo liberally beſtowed in the printed copies of the trial on theſe perſonages, I cannot forbear remarking, that they had no title to it; and that it is cuſtomary in many parts of Ireland, to beſtow it on perſons whoſe grandfathers, or great grandfathers, were formerly nominal Lieutenant colonels of the militia. But whatever they might be, it was very plain from their known characters in the country, and the abſurd contradictory evidence they gave on this occaſion, that they neither merited any credit, nor had any given them. The evidence of thoſe worthy gentlemen, Mr. Wall the attorney (called by the printed trial Colonel Wall) of Mr. Becket the trading juſtice (called by the printed trial Colonel Becket) who was turned out of the commiſſion of the peace with diſgrace ſoon after the trial at bar was over, for his flagrant mal-practices, of Mr. Harman, commonly called Lying Wenty, on account of the notoriety of his character in that way, of old Palliſer, Downs the prieſt, Owen Cavenagh, and Medlicot, is a ſufficient refutation of itſelf. For, (independent of other very particular conſiderations, which would render their evidence, even if conſiſtent, of little or no weight, they have contradicted themſelves in many particulars they aſſerted. And as to Aaron Lambert, Palliſer junior, Arthur Herd, Catherine Lambert, Patrick Furlong, Thomas Rolph, Elizabeth Molloy, Anthony Dyer, Ann Caufield, Bourk the poſtilion, and Martin Nieffe the blackſmith, they were known to be perſons of ſo openly profligate, and abandoned characters, that it may with great truth be affirmed, their evidence could meet with no degree of credit in anycaſe whatever, where they are known. This was well underſtood at Dublin to have been the true ſtate of the evidence for Lord Angleſey on that trial; conſequently the whole merits of his caſe ſtood on that occaſion on

ſerve, that the claimant and his managers were abſolute ſtrangers in the country, and unacquainted with the characters even of thoſe they had to deal with; that they had fairly, and without art or garbling, laid before the court and jury ſuch evidence as came to their hands; inſomuch, that ſome of them plainly appeared to have been put upon them by their adverſaries, with a deſign to hurt the cauſe; and that moſt of the witneſſes produced on behalf of the claimant, were ſuch as could have no manner of previous connexion with him, nor any dependence whatever upon him, to influence their evidence; for it was manifeſt, that far the greateſt part of them had never ſeen him from his infancy, till the trial began; and that many of them were people of great ſimplicity, and ſuch as no man in his ſenſes would have pitched upon to ſupport a bad cauſe. After the claimant had obtained the abovementioned verdict and judgment in his favour, he was adviſed to petition for his ſeat in the houſe of peers of both kingdoms. In purſuance of that advice, he in December 1743, preſented two ſeparate petitions, one for the Engliſh, and another for the two Iriſh peerages, ſetting forth his pedigree, the unlawful uſurpations of his uncle, and the verdict in his favour upon a ſolemn trial at bar, and praying that his Majeſty would be graciouſly pleaſed to grant him his writ to take his ſeat in parliament. His Majeſty was pleaſed immediately

on the teſtimony of colonel Loftus, Mr. King the apothecary, and Mr. Derinzey Lord Angleſey's agent, neither of whom ſaid any thing to the purpoſe; on that of Elms and Rowls, who ſtand contradicted in ſeveral material points, by others of that noble Lord's witneſſes; on the teſtimony of Ann Giffard, who ſtands contradicted in the moſt eſſential point of her evidence (Lady Altham's being at Wexford aſſizes) by Mr. Cæſar Calclough, knight of the ſhire for the county of Wexford, whom ſhe herſelf quoted, as handing Lady Altham into court, and ſitting by her there; and, on the teſtimony of Mary Heath, who, from living by the charity of the pariſh of St. Andrew Holborn, and being a waſherwoman, at once commenced a woman of fortune, immediatlely after the claimant's arrival in England from the Weſt-Indies, without being able to account for ſo ſudden a change in her circumſtances. In ſhort, it was the general obſervation of all diſintereſted perſons who were preſent at the trial, that Colonel Loftus, Mr. King and Mr. Derinzey, were the only witneſſes of unexceptionable character, produced on Lord Angleſey's part: that there appeared an uncommon zeal and forwardneſs in all the reſt of his witneſſes, to ſerve the purpoſe for which they were brought there; and a cautious reſerve and backwardneſs to anſwer on their croſs-examinations, which was inconſiſtent with the native freedom of perſons that came in ſupport of truth only; and that a greater regard ſeemed to have been paid, by the noble Peer and his confederates, to cunning, than to character, in the choice of their witneſſes.

mediately to refer both the petitions; that for the Engliſh peerage to Sir Dudly Rider the attorney general, and that for the Iriſh, to his Grace the Duke of Devonſhire, then Lord Lieutenant of Ireland, who directly laid it before the attorney, ſolicitor general, and prime ſerjeant of that kingdom; with directions to enquire into the allegations thereof, and prepare a report to be made to his Majeſty, what was fit to be done. Thoſe gentlemen very properly conſidering, that it was a petition for a right of inheritance, which they were neither veſted with juriſdiction or power to take proper cognizance of, or to report finally upon; and that they were directed by the words of the reference, to report what was fit for his majeſty to do; they therefore, upon a view of the petition, and of the evidence laid before them on both ſides, immediately prepared a proper report, and indeed the only report that could be made, concluding, that it was a matter fit for his Majeſty to refer to the houſe of Lords of that kingdom. This report being tranſmitted to England by the Lord Lieutenant, his Majeſty was graciouſly pleaſed immediately to refer the petition to the houſe of Lords of Ireland; but the parliament of that kingdom was prorogued, not to meet again for near two years, before the reference could be returned; by which means, it ſtill remains in the ſecretary of ſtate's office.

The claimant being by this ſudden prorogation of parliament, diſappointed of a trial for his Iriſh peerages, and not in the leaſt doubting of as expeditious a report from the attorney general on his Engliſh petition, as had been made by his Grace the Duke of Devonſhire on the other; he came directly over to ſollicit it. As both petitions were in all reſpects the ſame in ſubſtance, his expectations of a ſpeedy report was ſo much the more reaſonable, as there was ſuch a precedent; and as the nature and importance of the caſe, and the fatal effects of delay, on account of the death of the parties and witneſſes, and many other conſiderations of the utmoſt conſequence, called loudly for it; but more eſpecially as the attorney-general himſelf, when firſt applied to, not only promiſed to give it all the diſpatch he could, but declared, that his report could not be final, that it muſt go to the houſe of Lords; which declaration, was then made uſe of by the claimant's friends as an argument, as it in reality was a good one, for expediting ſuch a report.

The claimant and his managers were not wanting in induſtry; and in purſuing all the proper meaſures to forward this affair, which they ſollicited with all poſſible zeal for the ſpace of three years and a half, after the petition was referred by

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his Majeſty, till, quite tired out, by a ſeries of fruitleſs ſollicitations, frequent appointments and diſappointments, and a great deal of money ſpent, the unfortunate petitioner was at length reduced to the fatal neceſſity of abandoning ſo ineffectual a purſuit; and no report hath been made to his Majeſty, nor his direction in the reference complied with, to this day. It is true, that Lord Angleſey practiſed all the means poſſible, to procraſtinate and delay; but when his defence was once filed in the attorney general's office, was it not entirely in that gentleman's power, to proceed as he thought fit? In all other tribunals, when the merits of a cauſe cometh on to be heard, it is proceeded in without intermiſſion; and if that policy of our law be judged wiſe, juſt, or neceſſary, in common caſes, it muſt ſurely be thought much more ſo, in ſo extraordinary and important a caſe as this, where the leaſt delay may prove of moſt fatal conſequence. As this petition was for a right of inheritance, and his Majeſty's royal intentions, to put it in a way of being properly and ſpeedily diſcuſſed, appeared very early; it ought, not only in compliance with his Majeſty's deſire, but *ex debito juſtitiæ*, to have met with no unneceſſary delay. The flagrant cruelties and injuſtices that the uncle had confeſſedly been guilty of, the manifold and unheard-of ſufferings of the unfortunate nephew for ſo long a ſeries of years, and the juſtice of the nation, cried out aloud for ſpeedy and public redreſs. For, whichſoever of the parties was in the wrong, the caſe was in every reſpect of ſuch a nature, as required public and ſpeedy juſtice to be done. The party ſuing for it, had ſo indiſputable a right to this, by the laws of God and man, and more particularly by the laws and conſtitution of this kingdom, as rendered it highly criminal in any ſubordinate power whatever, either to ſtop or controul it. How therefore this unhappy injured man, ſhould in this caſe come to be precluded, from the unalienable indiſputed right of all other ſubjects of this kingdom, and his petition remain unanſwered, unredreſſed, after his Majeſty had ſo clearly and expreſly ſignified his royal pleaſure concerning it, is a myſtery not fit to be diſcloſed at preſent, but to be reſerved for a future and more public diſcuſſion. One thing however I cannot help mentioning as a candid hiſtorian; that Lord Angleſey and his confederates confidently reported, and even boaſted all over Ireland, ſo early as the beginning of the year 1744, before the petition for the Engliſh peerage was at all proceeded upon, that no report would ever be made upon it. Whether they had any aſſurances of that kind given them or not, or if they had, what quarter they proceeded from,

or by what means procured I cannot ſay; but one thing is certain, that ſuch a report was induſtriouſly propagated all over Ireland; and did not only hurt the claimant greatly in his credit, but did him other irreparable injuries, by keeping back many valuable witneſſes, who did not chuſe to give their teſtimony againſt their powerful neighbours, in a cauſe that they apprehended was not to be proceeded in. However, the claimant and his managers thought themſelves, at that time, ſo far certain of the falſhood of that report, and of its being deſtitute of any foundation, that they not only took great pains to contradict it every where, but Mr. Mac Kercher prepared a paragraph to be inſerted in the Dublin journal, repreſenting it as falſe and ſcandalous, and as a very high and injurious reflection on the public juſtice of the nation, and on the gentlemen to whom his Majeſty had intruſted the conſideration of the petition. But Lord Angleſey and his faction, being all along in league with Falconer the proprietor of that journal, he abſolutely refuſed to take it in; tho' he has ſince that time, taken upon him to publiſh many paragraphs and diſſertations, equally falſe and ſcandalous, to the diſadvantage and manifeſt hurt of the claimant, at the inſtigation of his adverſaries.

It was alſo reported, that a joint counter-petition to the claimant's, was preſented by his adverſaries, much about the time that his petition was referred by his Majeſty to the attorney general; praying, that no report ſhould be made on the claimant's petition, till after he ſhould have a trial with them upon the merits of his caſe in the county of Wexford: and this was confirmed by one of the parties principally intereſted againſt the claimant; who boaſted, that a report had certainly been made by the attorney general on the claimant's petition, had not his father (meaning Francis Anneſley, late of the Middle-Temple) put a ſtop to it by this counter-petition, till after a trial in the county of Wexford. If any ſuch petition was preſented, as there is no reaſon to doubt but there was, it is ſurpriſing that neither the claimant, nor any of his managers ever heard of it, till after four or five years from the time it was preferred, and after all proceedings were at a ſtand before the attorney general; and it is ſtill more ſurpriſing, if it was ſo, that a ſtop ſhould be put to a report upon the ſuggeſtions of that, or any other counter-petition, without giving the claimant an opportunity of ſeeing or anſwering it. There muſt be ſome ſtrange myſtery in this conduct, if true; for the claimant was intitled to a regular notice, and copies of every thing that was offered againſt his petition, that he

he might thereby have an opportunity of anſwering them: for the allegations of that counter petition might poſſibly be, and in all probability were falſe. But whatever the allegations of it were, the concluſion and prayer thereof were certainly abſurd and improper to be complied with, or at leaſt ought not to have been complied with, without hearing what the claimant had to ſay; for, there never can be a trial of the merits of the caſe, between the claimant and his adverſaries, in the county of Wexford, without the moſt manifeſt violation of all juſtice, and the reaſon of things. And it would moſt certainly be the higheſt violation of both, to oblige a ſtranger to go to trial, in a county where his enemies have ſo great power and influence, and ſo vaſt a property; in a county, where there are no leſs than three or four hundred people, many of them the leading men of the country, deeply intereſted in the iſſue of the cauſe, beſides their numerous relations, friends and dependents. Can an impartial jury ever be expected in that county under theſe circumſtances? But what has a trial for property in the county of Wexford in Ireland, to do with a petition for an Engliſh peerage? Has not every free born ſubject by the conſtitution, and policy of our laws, an undoubted title to ſue for his right wherever and whenever he pleaſeth, without being delayed, controuled, and forced into another kingdom, to ſue firſt for an object of another kind quite diſtinct from it? He has already had a trial in Ireland, and a verdict for him in an impartial county, by as great and impartial a jury as ever was; and yet, that verdict could not be admitted as evidence, even before the attorney general. Is an Engliſh peerage then to be determined by a county of Wexford jury? Surely not. If not, why is this unhappy man, to be put to the extraordinary expence of four or five thouſand pounds, for a trial that can avail him nothing in his ſuit for the peerage, before he can have a trial for it. This is quite a new doctrine, unknown to our law and conſtitution. But to put ſuch an unheard-of hardſhip, upon this unfortunate man, who has already had ſo hard a ſtruggle, to find money to bring his cauſe to the ſtate it was in, when the petition was referred by his Majeſty, is cruel and unreaſonable to the laſt degree, and in a manner impoſſible to be complied with.

However theſe things may be, the long uncertainty and ſuſpence that the claimant was kept in, for a courſe of ſo many years, about the fate of this petition and report, hath proved of moſt fatal conſequence to his affairs. This will appear more evidently, when it is conſidered, that his cauſe in the court of chancery of Great Britain, for the whole An-

gleſey eſtate in England, was at iſſue, and ready to be heard ſoon after the petition was referred; and that he was proceeding in chancery in Ireland at the ſame time, to recover the reſidue of the eſtate in that kingdom; and that both theſe cauſes muſt, from their nature and circumſtances, have been long ſince determined, had they been duly purſued. But as there was not a ſufficient fund of money remaining, (after the great expence that had been incurred on the trial at bar in Ireland, and after the ſeveral expenſive commiſſions, for the examination of witneſſes, that had been executed in that kingdom, and other expenſive proceedings,) to defray the charge of thoſe two cauſes in chancery, and of the trial for the peerage at one and the ſame time; and as there was ſo much reaſon to expect a ſpeedy report upon the petition, the trial of the cauſe for the Engliſh eſtate was ſuſpended, in order to preſerve the fund that ſtill remained, for the expected trial in the Houſe of Lords. But the claimant being diſappointed of a trial of the peerage in the manner abovementioned, the money that was reſerved for it, was ſpent in fruitleſs expectations of a report, and in ſupport of all the various branches of the other cauſes, to keep them alive; and the unfortunate claimant was by theſe means, at length totally diſabled from proceeding to any trial whatever, either at law or otherwiſe. Whereas, if either he or his managers had been told, or could by any means have foreſeen, that they were not to expect a report on his petition for the Engliſh peerage, they undoubtedly would have proceeded immediately from one trial at law or equity to another, and in all probability have been in poſſeſſion of the whole Angleſey eſtate in England and Ireland long ere now.

As my chief intention from the beginning, was to ſhow, from a hiſtorical deduction, of the out-lines of the claimant's own life, and the conduct of his adverſaries, that he is no impoſtor, but the legitimate ſon of Lord Altham, and to leave the account of the law proceedings, after the trial at bar, to be diſcuſſed afterwards at a more proper opportunity; I have touched as gently as poſſible, on the management in relation to this petition for the Engliſh peerage, and drawn a veil over many facts and circumſtances, to avoid giving offence; I ſhall therefore now return, to conſider the further conduct of the claimant's adverſaries. The printed account of the trial at bar, with all its ſtudied faults and imperfections, was no ſooner publiſhed, but intelligence was daily brought to Mr. Mac Kercher from all quarters, even the remoteſt of the kingdom, of witneſſes of the higheſt conſequence for the claimant; who had hitherto kept ſilent, either from ignorance of the nature

of

of the diſpute, or from a miſtaken ſuppoſition, that he could not be at a loſs, to prove a matter of ſo public notoriety as his legitimacy. But when they found, by reading Lord Angleſey's defence on the trial, that he denied Lady Altham ever was with child, or ever had a child in Ireland, they were ſo aſtoniſhed at the boldneſs of that defence, that they could not help expreſſing their ſurpriſe at it, and their own knowledge of the contrary, wherever that matter happened to be mentioned in their preſence. Many material facts and circumſtances, were by this means brought to light, relative to the pregnancy of Lady Altham; her being delivered of the claimant; her motherly affection towards him; the reparation of Landy's houſe for the reception of the child; the deſtination of the coach road made from Dunmain to the nurſe's houſe, for the conveniency of Lady Altham going to ſee him; and the death and burial of Joan Landy's ſon, who Lord Angleſey and his confederates now endeavour to paſs upon the world for the claimant [43]; as alſo concerning the repeated declarations of Arthur

[43] The claimant's witneſſes gave in evidence on the trial at bar, among other circumſtances, that he was put out to nurſe at Joan Landy's, about a mile from Dunmain houſe; and that Landy's houſe was repared, and a partition-wall and glaſs window made in it, to fit it for his reception; and that a coach road and cauſway was made, at a conſiderable expence croſs a bog, on that occaſion, for the conveniency of Lady Altham's going in the coach to ſee him. This was a proof of ſo high a nature, tho' accidentally mentioned by the witneſſes, that Lord Angleſey and his confederates finding themſelves very much graveled and pinched by it, they exerted their utmoſt art and cunning to elude it. But the glaring contradictions that Rolph, Ann Giffard, Elmes, and others of their principal witneſſes have run into on this occaſion, to find out other reaſons for making this road, and other uſes for it than thoſe aſſigned by the claimant's witneſſes, is a convincing proof that their evidence was wilfully framed, meerly for the purpoſe of contradicting the claimant's witneſſes. Rolph ſwore that there was a good road made, but for another purpoſe than that aſſigned by the claimant's witneſſes; Elmes ſwore there was no road made; Rolph ſwore the road was made, for the coach to go a ſhorter way from Dunmain to Mrs. Giffard's, Palliſers, &c. and that Mrs. Giffard always came by that road in a chaiſe to Dunmain; and Elmes alſo ſwore that ſhe always came by that road; but Mrs. Giffard contradicted them both, and ſwore that ſhe never came by that road; nor was it in fact poſſible ſhe could, without paſſing over incloſures, rocks, or bogs of a great extent. For the truth is, that this new-made road extends no farther from Dunmain, than to Landy's houſe, where the child was nurſed; all beyond that being impaſſable for any wheel-carriage whatever; which plainly ſhows, that it could be made for no other uſe, but for a coach to go to this cabin: and if Mrs. Giffard could even have come by this road to Dunmain; yet, it appears by an exact ſurvey of both, that the common road is not only better, but nearer by four or five hundred yards. But if this difference in the meaſure had been on the oppoſite ſide, yet it could be no motive, for a perſon in Lord Altham's narrow circum-

Arthur late Earl of Angleſey, of John late Duke of Buckingham, of the Dowager Lady Altham, the preſent Earl of Angleſey's own mother, and of Lord Angleſey himſelf, concumſtances, to be at the extraordinary expence of making a new road for ſo trifling a conſideration as that mentioned by his witneſſes, even if it had been practicable. And it is to be particularly remarked, as a further confirmation of the evidence given for the claimant, concerning the deſtination of this new road; that the rut or track of the coach wheels, tho' now overgrown with graſs, is very viſible at this day, all along from the end of the new cauſway, where it breaks out of the common road, over fields of graſs, unfrequented by any coach before or ſince that time, to the door of Landy's houſe, and no further.

The contradictions of Lord Angleſey's witneſſes on the ſaid trial at bar, are full as glaring about their deſcription of the nurſe Landy's houſe, as about the road. Some of them, in order to make it believed as mean as poſſible, and a habitation unfit for the child of a man of quality, ſwear that there was not a ſtone in it, but that it was built entirely of ſods; others admit it to have been built, as it really was, of ſtone and mortar; ſome of them ſwear that there was neither chimney nor partition in it; others ſwear there was both; and others again ſwear there was no glaſs window in it, nor a bit of glaſs to be ſeen about the houſe. But it appears, from a ſurvey of the ruins at this day, and from the teſtimony of thoſe who built and repaired it on that occaſion, (and hundreds of people have obſerved it by the ruins ſince the trial) that it was built of ſtone and mortar, and regular maſons work, and that it had a partition and chimney of the ſame. For, Mr. Mac Kercher, finding ſo great a contrariety of evidence about this houſe and road on the trial, directed them both to be inſpected and ſurveyed the next year, which was done with the utmoſt care and exactneſs, in the preſence of many gentlemen of character, who obſerved the above particulars. And the rubbiſh being cleared away, which was overgrown with graſs, under that part of the ruins of the houſe where the glaſs window was ſaid to have been, ſeveral pieces of glaſs and lead were dug out; which are now kept incloſed, under the ſeals of ſix of the gentlemen who were preſent. Theſe obſervations are the more material, as they ſerve, not only to verify the evidence given by the claimant's witneſſes, concerning the deſtination and uſe of this houſe and road, in the moſt authentic concluſive manner; but prove to a demonſtration, that the evidence given by the defendant, Lord Angleſey's witneſſes, was impoſſible to be true; and that it was wilfully invented, and framed to contradict the claimant's witneſſes; for, as they ſwore poſitively to a matter they could not err in for want of memory, it is plain, the error in this was voluntary, and muſt affect their veracity in all the reſt.

As to Joan Landy's ſon, his death and burial, when he was about three or four years old, is proved by above thirty people, who were not only preſent at his wake or burial, but alſo ſaw both the children, at one and the ſame time; and obſerved the great difference between Lady Altham's ſon and the other, in age, complexion, apparel, and every other circumſtance, that could diſtinguiſh a nobleman's child, from the mean brat of a poor woman. And it deſerves very particular notice, that the death and burial of this boy hath been confirmed by Downs the prieſt, one of Lord Angleſey's principal witneſſes, who officiated at his funeral: and that above forty different perſons, who have ſeen Lady Altham's ſon and Landy's ſon, all agree in this, that Lady Altham's ſon was very fair,

concerning the claimant's birth and legitimacy; and many other points of great importance, which were unknown before that trial.

As Lord Angleſey and his confederates, who were not ignorant of theſe diſcoveries, could not but conclude, that the defence upon which they had hitherto relied, could not avail againſt ſo great a weight and variety of freſh evidence; but that it muſt be intirely invalidated, and the claimant's right eſtabliſhed in the moſt authentic manner, if his cauſe ſhould be carried forward, with the ſame ſpirit it had been proceeded in till then, and be brought to a further hearing, either in chancery or the houſe of Lords; they therefore had recourſe to their uſual arts, to defeat him of both. In this, the ſtudied delay and diverſion he met with in the attorney general's office, upon his petition for the Engliſh peerage, was of great and ſingular advantage to them; and enabled them to carry all their other ſchemes into execution, with uncommon ſucceſs. For the alternate hopes and diſappointments of a ſpeedy report, that were given in that office, kept him in ſuſpenſe, and from proceeding to try his cauſe in chancery, till all his money was gone. And as the confederates were well acquainted with the extent of Mr. Mac Kercher's fortune, and the great expence he had already been at; they not only knew, if the report could be ſtopt, that he could not long ſupport the cauſe in all its various branches, upon equal terms with them; but foreſaw, that the claimant could not eaſily procure money from any other quarter, to aſcertain his right; and from thence concluded, that his cauſe muſt of courſe fall to the ground, when he was once diveſted of money. Upon theſe preſumptions, therefore, did they build the ſyſtem of their future conduct; and form a determined reſolution, to employ their united efforts to oppreſs him; by taking all advantages of this ſituation of his affairs; and have ever ſince bent their whole thoughts to draw him into uſeleſs unneceſſary expence; to prevent further ſupplies of money from being obtained; and to retard the ſuits then depending from being proceeded in, or brought to any deciſive iſſue. For theſe laudable purpoſes, all the oppreſſive arts, all the iniquitous, coſtly

fair, with flaxen hair, (as the claimant appears to have been at this day) and that Landy's ſon was a boy of a yellowiſh complexion, with black hair; which account of him was alſo confirmed by Downs the prieſt, and others of Lord Angleſey's witneſſes, on the abovementioned trial at bar; and which clearly demonſtrates, independent of all other proofs, that Landy's ſon and the claimant are not the ſame, but very different perſons.

coſtly contrivances, and all the dilatory ſubterfuges, that the fertile invention of the petti-foggers of the law could poſſibly deviſe, have been practiſed with great dexterity, to compel the waſte of money, in idle, vexatious, expenſive quibble, intirely foreign to the merits of the cauſe; and to avoid any definitive trial of the main and only point in queſtion, till he was by thoſe iniquitous means totally diſabled from maintaining ſuch a trial. And finding, while they were going on with thoſe meaſures, that Mr. Mac Kercher made a longer ſtand, and greater efforts than they expected, and that he had fallen upon means to raiſe freſh ſupplies, after his own fortune was exhauſted; they exerted their utmoſt ſkill and cunning, to countermine and fruſtrate his expedients. For that end, they not only had recourſe to the groſſeſt calumnies, but the united efforts of the whole party, and their numerous emiſſaries was exerted, by falſe ſuggeſtions, and other ſcandalous artifices, to give the public ſuch a bad impreſſion of the cauſe itſelf, and to throw ſuch a general damp upon it, as ſhould diſcourage any one from ſtretching out a helping hand. Among many other expedients, they have, for this purpoſe, taken great pains to make the world believe, *that the claimant's caſe is a meer fiction, and a made tale; that the jury that tried the cauſe had repented of their verdict; and declared, if it was to be tried again upon the ſame evidence, they would give a verdict quite contrary to the firſt; that it was a meer impoſture from the beginning, ſet on foot by a parcel of adventurers, in order to divide the ſpoils of Lord Angleſey among them; and that ſome letters lately found in Buckingham houſe, plainly prove it a downright forgery and impoſture; with many other aſſertions equally falſe and ſcandalous* [44].

They

44 Of all the artifices that have been contrived by the adverſe party, to ſlander the claimant's title, and to prepoſſeſs the public againſt him and his cauſe, the clamour made concerning thoſe letters is the groſſeſt and moſt barefaced attempt to impoſe on the credulity of mankind. For the letters they have thought proper to produce, are ſo far from ſupporting, or giving the leaſt colour to the noiſe and vain-boaſting they have made every where all over the three kingdoms about them, that they make ſtrongly againſt themſelves; and if they are a proof of any thing, it is, that they have ſecreted many more, which, if produced, would furniſh proofs of the claimant's legitimacy; and this will more evidently appear, to any one who duly weighs the following circumſtances.

That there is evidence of the higheſt credit, that the Duke of Buckingham received letters from Ireland in ſummer, 1715, giving an account of Lady Altham's being delivered of a ſon. And thoſe letters, with others relating to that ſon, were ſeen in Buckingham houſe, within a ſhort

They have alſo been at great pains to perſuade the world, *that the cauſe itſelf is ſo perplexed and complicated, that nothing can ever be made of it; that it muſt be a work of many years to bring*

a ſhort time before the diſcovery of the claimant in the Weſt Indies. That it is acknowledged on all hands, that Lady Altham kept a regular intercourſe by letters with the Duke her father, and his Dutcheſs, from the latter end of the year 1713 that ſhe went to Ireland, to the year 1720, that the Duke died. That it appears from theſe ſcraps that the adverſe party have thought fit to produce, that the Duke was ſo careful of all letters from Lord and Lady Altham, that they were folded up uniformly, and indorſed with his Grace's own hand; and were carefully laid up in a particular box by themſelves. That theſe letters have ever ſince the beginning of the year 1740, that the firſt accounts came of the claimant's being diſcovered in the Weſt Indies, to the end of the year 1746, been not only in the power and cuſtody of his greateſt enemies, and of perſons deeply intereſted againſt him; but that Lord Angleſey's attorney, and other enemies to the claimant, had free acceſs to them during all that time. Now, out of this continued ſeries of correſpondence for ſeven years without interruption, the confederates have produced but two letters from Lord Altham, wrote the latter end of July 1715, and only one letter of Lady Altham dated in Dec. 1718; that is near two years after her ſeparation from her Lord, and five years after her arrival in Ireland; and becauſe no mention is made of a child in either of theſe letters, they have from thence concluded, by a new and extraordinary kind of logick, againſt the poſitive evidence of above 200 witneſſes of irreproachable character, that there was no child. And upon this ſlender foundation, one of the firſt rate orators at the bar was inſtructed, for I can ſcarce believe he would do it of himſelf, to declare in opening Lord Angleſey's defence on the petition for the Engliſh peerage, to a crowded audience collected together from all quarters, and brought there on purpoſe, *That ſome letters lately found in Buckingham houſe, plainly proved the claimant to be an impoſtor, and his caſe a made tale, a downright impoſture*, which was deſcanted upon with all the flowers of rhetorick. And his ſtudied declamation, which was no other than a continued chain of groſs miſrepreſentation, from beginning to end, taken from his brief, by which he muſt have been moſt miſerably miſled, was afterwards echoed all over the nation, to the no ſmall prejudice of the unfortunate petitioner: for, the attorney general never gave his counſel an opportunity of refuting it upon a reply, becauſe he did not proceed. It will eaſily occur to the reader, that it was an eaſy matter, out of a continued ſeries of letters for ſeven years, from Lady Altham to the Duke and Dutcheſs, to cull out one letter in which there was no mention of a child. And that it was not natural to think that Lady Altham would mention her ſon in every letter ſhe wrote to the Duke, eſpecially after an abſence of two years from the child, and he at the diſtance of ſixty miles from her. And it is to be particularly remarked that they have not produced ſo much as one letter from Lady Altham to the Dutcheſs of Buckingham, with whom ſhe likewiſe correſponded, and to whom it was more natural for her to mention her pregnancy, her child, her miſcarriges, and other matters of that kind, than to the Duke. Nor have they produced one letter of her's, either to the Duke or Dutcheſs, of all that ſhe wrote in the years 1714, 1715, 1716, or 1717: nor even of thoſe that were wrote on the occaſion of her ſeparation from her huſband, which moved the Duke to make particular proviſion for her; and in

bring it to a determination, even if the claimant had a good title and money to carry it on; thereby ſuggeſting, that ſuch as would incline to aſſiſt him, cannot be repaid their money, for a long term of years, if ever. Nothing can be more malicious, or more glaringly falſe than this laſt aſſertion; for it is evident to the meaneſt capacity, from the very nature of the caſe itſelf, that no cauſe can be more ſimple, and leſs perplexed with any law difficulties, or law queſtions, than this is; as the whole of it intirely dependeth upon the determination of this ſingle queſtion by a jury, *Whether the claimant is the lawful ſon of Lord Altham, or not?* or in other words, *Whether Lady Altham ever was with child, or delivered of any child in Ireland?* Nor can the confederates, by all their diſingenuous art and cunning, point out any perplexed law queſtion, that can poſſibly ariſe on the claimant's caſe; ſince the ridiculous pretenſions of Mr. Phips have been ſet aſide, by a late determination of the houſe of Lords. The vain, fruitleſs endeavours of the confederates themſelves, for ſeveral years, to involve this affair in perplexities, is a demonſtration of the impoſſibility of ſucceeding in it, in any righteous tribunal. For, notwithſtanding all their ſiniſter practices for that purpoſe, their fictitious ſuits, repeated bills and croſs bills, and injunctions upon injunctions, it now at laſt, after all theſe have been anſwered, and their various chicaneries ſurmounted, is again reduced to its primitive ſimplicity, and comes to be reſolved, in the diſcuſſion of the ſame ſingle queſtion by a jury; which muſt bring it to a very ſhort determination, as ſoon as money can be had to proceed to a trial. Theſe are the ſeducing arts, by which the public hath been amuſed for ſeveral years paſt, and its attention and compaſſion taken off this extraordinary affair; altho' no caſe of private concern, ever appeared in theſe nations, that ought to excite them both more than this. Theſe glaring falſehoods, have been propagated by

which it was natural, and indeed neceſſary for her to mention her ſon: and it cannot ſurely be ſuppoſed, that his Grace would be leſs careful of theſe, as they were letters of buſineſs, than he was of the trifling letters they have produced, which appear to have been very carefully preſerved. This is the true ſtate of the caſe as to thoſe letters, that ſo great a noiſe and boaſting has been made about, by Lord Angleſey, Mr. Phips, and their confederates; and I now leave it to the judgment of all ſober thinking men, what concluſion ought to be formed: whether it is not evident, from all the abovementioned circumſtances, that thoſe letters have been garbled and ſecreted by thoſe who had them in their power? and whether their producing but one letter out of ſo many of Lady Altham's, is not at leaſt a ſtrong preſumption, that the true reaſon of their not producing more, eſpecially thoſe wrote by her in 1715 and 1716, on her ſeparation, was, becauſe they made againſt them, and tended to prove the claimant's legitimacy?

by the faction againſt the claimant, and proclaimed in all places of public reſort, with indefatigable induſtry; and, what is more ſurpriſing, believed by many, without further examination.

The confederates however, did not truſt to thoſe expedients alone for their ſecurity, but had recourſe to others, ſtill more iniquitous and criminal. For the claimant and his managers, had no ſooner left Ireland to return to London, than they took advantage of their abſence, to ſeduce ſuch of his capital witneſſes as they could come at, or durſt attempt; by alluring promiſes, bribes, and various other means. And when they found they could not prevail by gentle methods, they exerciſed the greateſt barbarity, againſt ſuch of the lower claſs of them, as happened to live within the ſphere of their power; by pulling down their houſes over the heads of ſome; imploying ruffians to way-lay, beat and maim others; by fiſhing for and procuring aſſignments to the debts of others, in order to diſtreſs them; by ejecting ſome out of their farms, for no other reaſon but becauſe they had given their teſtimony, when legally called upon, for the claimant; by throwing others, of the weakeſt and moſt helpleſs into priſon, under falſe pretexts of fictitious crimes, in order to take advantage of their ignorance and inexperience, to terrify and compel them by fear, to retract their former evidence, and to criminate the claimant's managers, of having ſuborned them; and by committing many other outrages and acts of violence, wherever their power reached. Theſe iniquities were practiſed openly and barefacedly, without regard to law or reaſon, in the county of Wexford; to deter and diſcourage people from declaring what they knew concerning the claimant, or appearing as witneſſes for him. And here it is highly proper to obſerve, that theſe outrages were chiefly committed, at a time, when a commiſſion from the high court of chancery of Great Britain, to examine witneſſes for him, was executing in the town of Wexford; which prevented many from attending the commiſſion to be examined, and many more, from acknowledging what they knew, for fear of being called upon to give evidence, and expoſing themſelves to the fury of a faction, that ſtood at nothing how wicked ſoever to gratify their revenge. Nor did theſe confederates ſtop here, for, they have in various ways practiſed upon, endeavoured to ſeduce and draw over to their ſide, even the claimant's ſollicitors and commiſſioners, to the ſeveral commiſſions that were executed for him; and have attempted to purchaſe almoſt every one that were concerned for him, or intruſted with the ſecrets of his cauſe. What progreſs they

have made among them, or what uſe they intend to make of ſuch proſelytes, when they do purchaſe them, is beſt known to themſelves: but the very attempts to ſeduce into their pay, witneſſes, commiſſioners, and perſons intruſted with the ſecrets of their adverſary's plea, before the paſſing of publication, muſt be looked upon by all honeſt men with an evil eye, and as done for ſome bad purpoſe, which no honeſt cauſe ſtands in need of. It would be endleſs to enumerate all the mal-practices of the confederates that are already come to light; I ſhall therefore trouble the reader with two inſtances only, that are of public notoriety, whereby he may be enabled to form a tolerable judgment of the reſt, as well as of the ſpirit of the party that practiſed them.

When the Lord Angleſey, and his confederates in the county of Wexford, found that the cajoling ſeducing arts they at firſt made uſe of to corrupt the low and ignorant ſort of the claimant's witneſſes, (who were moſtly their own tenants, and much in their power) had not the deſired ſucceſs, they betook them to rougher and more violent methods to accompliſh their ends; and, among other diabolical inventions, had recourſe to the following ſtratagem. As ſoon as they underſtood that the claimant and his managers were returned to England, and that thoſe poor people were left deſtitute of protection and advice, they took advantage of that circumſtance to diſtreſs them in all manner of ways. And, among many other devices, they, in January 1744, trumped up an accuſation againſt one Andrew Hern, church-warden of the pariſh of Tintern, where the claimant was born, a perſon of unblemiſhed character, and againſt three women of that pariſh, who had all been examined as witneſſes for him, charging them with a joint attempt to ſuborn a beggar-woman, by the offer of a ſum of money, to become a witneſs for the claimant. Although this accuſation, upon the very face of it, appeared to every one at firſt ſight not only abſurd and improbable in itſelf, but to have been ſet on foot for ſome ſiniſter purpoſe; and although it was publickly known, that the claimant had already above three times more witneſſes of good character, than he could poſſibly make uſe or examine; and that it was ridiculous to think that theſe four people ſhould of their own heads, without any authority, offer a ſum of money to a vagabond, of vile character, to give evidence of matters that they knew above a hundred witneſſes of good credit had already been examined to: yet, abſurd and ridiculous as it was, all theſe circumſtances conſidered; theſe four perſons were hurried away to Wexford jail by Lord Angle-

ſey's

ſey's agents, upon the bare trumped-up inſormation of this beggar-woman, without further enquiry. And they were no ſooner taken into cuſtody, than emiſſaries were detached all over the country, to proclaim what had happened, and to threaten all that ſhould appear to give evidence for the claimant on the commiſſion, that was then executing at Wexford, with the like treatment. They had not proceeded far on their way to Wexford, when the true reaſon of their being thus uſed appeared; for a known agent of Lord Angleſey's joined them on the road, pretended to be their friend, and, under that pretence, uſed all the rhetoric he was maſter of to perſuade them, for their own ſakes, to change ſides, and to retract the evidence they had given in favour of the claimant. But they perſiſting ſtill to aſſert their innocence, and abſolutely rejecting the flagitious propoſal made to them, they were treated all the reſt of the way in a moſt barbarous manner. When they arrived at the jail, they found bail for their appearance to ſtand trial at the enſuing aſſizes; and, when the aſſizes came on, they accordingly went to Wexford with that reſolution. But their bail being unwilling to attend till their trial ſhould come on, they were conſtituted in jail till the court ſhould call for them. As ſoon as Lord Angleſey and his confederates were informed, that theſe helpleſs people were left to themſelves, without advice or aſſiſtance, they immediately diſpatched their agents to the jail, to renew their former practices upon them. And one Hatton, a petifogging attorney of that country, remarkable for his dexterity in ſuch operations, who had been concerned for Lord Angleſey before in a job of the ſame kind, againſt his Iriſh wife [45], exerted

[45] Although the infamous contrivance made uſe of by Lord Angleſey, to get rid of this unhappy woman, after he had been married and cohabited 15 years with her, and had ſeveral children by her; and after he had introduced her at Dublin caſtle to the Lord Lieutenant and his Lady, as Counteſs of Angleſey, in the life-time of his firſt wife; might, for the ſingular wickedneſs of the caſe, ſtand in competition with any thing that hath yet been ſaid, and ſerve to ſhow what kind of adverſaries the unfortunate claimant hath to cope with; yet, as it does not immediately relate to this caſe, I ſhall paſs it over in ſilence. But cannot forbear mentioning, that this ſame Hatton was employed by the noble Earl on that occaſion, to procure evidence for his Lordſhip's purpoſe; and that he practiſed upon one Mary Egan, who was then in Wexford gaol, and prevailed upon her by promiſes of being bailed out, and made houſe-keeper to his Lordſhip, and of a leaſe of a good farm for her mother, to ſwear a moſt infamous affidavit, which he cook'd up for her; and after ſhe had ſwore, ſhe was then actually bailed out, and brought to England by his Lordſhip as his houſe-keeper.

erted his laudable talent to ſo good purpoſe on this occaſion, that partly by threatening them with pillory, croping, and tranſportation, and making them believe he had many witneſſes ready to prove the fact they were charged with againſt them; and partly by promiſing to ſet them at liberty without proſecution, Lord Angleſey's friendſhip, and an ample reward, he prevailed on two of theſe weak deluded women, to ſwear retracting affidavits brought to them ready prepared; whereby they not only contradicted all they had given in evidence for the claimant before, but charged ſuch of his other witneſſes, and managers, as this wicked implement of an attorney thought proper, with perjury and ſubornation. When this purpoſe was anſwered, they were not only immediately diſcharged, without the uſual forms of law, or the direction of the court, but without payment of any fees, and were rewarded with a handſome gratuity for their good ſervices. Theſe ſimple creatures were no ſooner ſet at liberty, than they publiſhed the whole of this infamous tranſaction themſelves; which raiſed a clamour, and gave great ſcandal and offence to all honeſt men that heard of it. The other two, whoſe conſcious innocence and firmneſs, withſtood all their threats and promiſes, attended with patience to take their trial; but thoſe conſpirators did not dare to proſecute them, when they perceived that the public ſaw through their ſcheme, and exclaimed loudly againſt it; ſo that, when the attorney employed for them, found that no indictment had been preferred, and moved the court to diſcharge them, he was told by Lord Angleſey's lawyers, that they were already diſcharged. It is eaſy to ſee, that the confederates propoſed a treble advantage to themſelves, by the affidavits procured in this infamous manner. Firſt, By taking off the evidence of ſuch of the claimant's witneſſes as they procured them from. Secondly, By criminating the claimant's managers, and ſuch of his principal witneſſes, as they could not corrupt, or did not dare to tamper with. And laſtly, *by handing thoſe affidavits about privately*, to prepoſſeſs ſuch againſt the claimant's cauſe, as were unacquainted with the manner by which they were obtained. In the laſt of theſe three points, they have been extremely active and induſtrious all over the three kingdoms, and have found means of introducing them even to the peruſal of the great and powerful. But ſurely every man of ſenſe muſt ſee, that ſuch affidavits could not be procured, by any fair means, or any other than deceit, and the deepeſt and moſt depraved corruption. For, it muſt be manifeſt at firſt ſight, that no one who hath given

evidence

evidence on either ſide in this cauſe, would chuſe to come voluntarily to ſwear that they perjured themſelves, but, that they muſt have been highly bribed, or compelled to it by fear. Beſides, it is publicly known, that theſe very people who were thus tampered with by the adverſe party, to ſwear theſe retracting affidavits, came originally without any ſollicitation of their own accord, with many others, to the claimant, to acquaint him with what they knew concerning his legitimacy; and that neither he nor his managers, if they could be ſuppoſed ſo wicked as to do it, had any occaſion to uſe indirect means to procure witneſſes; as two thirds at leaſt of thoſe who have already been diſcovered, were ſuperfluous, and conſequently never examined by them. The confederates therefore, could never have attempted a more unlucky contrivance for themſelves, than to compel theſe ſimple creatures to perjure themſelves in the infamous manner they did. But folly and wickedneſs generally go hand in hand. They were reſolved at any rate to deter the claimant's witneſſes, from crowding in, as they did, to Wexford to be examined on the commiſſion; and to impeach others of the ſame infamous practices, that they themſelves have all along purſued, and as they could find no other, have contrived this method to effectuate it. But providence hath hitherto diſappointed them, by a detection of their wicked machinations.

The other inſtance of this kind, which I propoſed to mention, relates to one Abraham Ward, a tenant of Lord Angleſey's in the county of Wexford. The noble Earl himſelf laid a ſcheme at Camolin, much about the ſame time that the other affair abovementioned was tranſacted by his agents at Wexford, to draw in this unhappy man, to impeach Mr. Mac Kercher's conduct. But this affair ended very tragically for the poor man, for, he almoſt loſt his life, in ſupport of truth and his own probity; and now remains a living, tho' ſhattered monument of the infamy of that attempt. He had been ſettled ſome time before this happened to him in another quarter of the county of Wexford, in a very creditable proſperous way, as a farmer and a potter; the laſt of which he carried on with uncommon ſucceſs. Lord Angleſey expreſſed a great deſire, to have one of his abilities in that way ſettled at Camolin, the place of his reſidence, and prevailed upon Mr. Ward, by promiſes of a good farm, a large ſum of money to enable him to extend his pottery, and other encouragements, to remove thither. He had not been long there when Mr. Anneſley came into that county, and fixed his reſidence at Dunmain, the place of his nativity. While he continued there, people

crowded in daily from all quarters, to acquaint his managers with what they knew concerning him; and among others, Mr. Ward happened to come there with a neighbour of his, who knew ſomething of the affair. Lord Angleſey having intelligence thereof by his ſpies, which he conſtantly maintained about the claimant, he was at firſt much incenſed againſt him; but afterwards reflecting, that this poor man then depended intirely on his courteſy, and on the performance of the promiſes he had made him; he thought that ſome good uſe might be made of his being at Dunmain; and flattered himſelf that he would do any thing that was propoſed to him to regain his good graces. Upon this preſumption he laid the abovementioned ſcheme: However, he found himſelf greatly miſtaken in the man; but as this moſt wicked tranſaction is ſummarily ſet forth in Ward's own affidavit, which he afterwards made in order to carry on a proſecution againſt thoſe wicked conſpirators, I ſhall here ſubjoin it, and leave the reader to judge for himſelf.

ABraham Ward, of Camolin, in the county of Wexford, came this day before me, and made oath; That on the twenty third day of January laſt, Patrick Murphy [46] and William Bennet, both ſervants to the Right Hon. Richard Earl of Angleſey, came armed to this deponent's then dwelling-houſe, and pretended they had a warrant [47], to ſearch for ſome timber trees which they alledged had been ſtolen from the ſaid Earl, and to break open the door, if it was not opened to them: upon which the deponent, who was then in bed, aroſe and opened the door; and the ſaid Murphy immediately apprehended this deponent, and told him he muſt go before the ſaid Earl of Angleſey. Whereupon the deponent, knowing the ſaid Murphy to be a very deſperate ruffian, and being in dread of his life, went with him and the ſaid Bennet to the Park-houſe of Camolin, where the ſaid Earl of Angleſey, without making the leaſt pretence or mention of any ſtolen timber, received and ſpoke to this deponent in a friendly manner; ſaying, he knew this deponent had been with that rogue Mac Kercher, and the baſtardly dog the pretender (meaning as the deponent believes, James Anneſley, Eſq;) and that

[46] This is the ſame Murphy, who the year before this affair happened, lay in wait to aſſaſſinate Mr. Anneſley and Mr. Mac Kercher.

[47] This was a meer pretext, for there was no timber ſtolen; and if there had, Lord Angleſey would at that time have connived at it; becauſe he was compelled by the claimant but a few weeks before, to give ſecurity in chancery, for the price that a great quantity of timber he had cut, ſhould be ſold at, which made him indifferent whether it had been all ſtolen or not.

that this deponent muſt certainly know the tranſactions of the ſaid Mac Kercher againſt him the ſaid Earl and Captain Anneſley (meaning, as this deponent believes, Charles Anneſley, Eſq;) and ſaid, that he was very ſure deponent knew that Mac Kercher had bribed witneſſes; and if this deponent would diſcover to him what he knew concerning that tranſaction, that he ſhould not only be diſcharged from an attachment which the ſaid Earl pretended had iſſued againſt him from the court of chancery, but alſo be well rewarded by the ſaid Captain Anneſley, and him the ſaid Earl. To which this deponent made anſwer, That he could tell him nothing that could do him ſervice or hurt: whereupon, the ſaid Earl finding that deponent refuſed to comply with his expectations, deſired ſaid Murphy and Bennet to take this deponent away, and as he would make no diſcovery, to deliver him over to the purſuivants, who had attachments againſt him [48]. And this deponent ſaith, that they thereupon brought this deponent to the town of Camolin; and upon this deponent aſking the ſaid Murphy and Bennet if they had any order againſt him, and if they had to ſhew it; the ſaid Murphy and Bennet made anſwer, That deponent ſhould ſee the order when the purſuivant came to town; and they refuſed to ſhew deponent any order or authority, either for arreſting or detaining him. And this deponent further ſaith, that he was illegally detained a priſoner at an alehouſe in Camolin aforeſaid, for the ſpace of two days and two nights by the ſaid Murphy, and one Peter Percival, Richard Watſon and Patrick Fluſh, tenants to the ſaid Earl: and that during his confinement, he was frequently ſollicited by the ſaid Patrick Murphy, to accuſe the ſaid Mr. Mac Kercher of bribery, as a thing which would be very agreeable to the ſaid Earl, and the only condition upon which he could be ſet at liberty, and reſtored to the ſaid Earl's favour: and the ſecond night of his confinement, the ſaid Murphy perceiving that deponent would not comply, he, together with the ſaid Percival, Watſon, and Fluſh, brought a pair of large iron fetters, and told this deponent they muſt fetter him; and deponent permitted them to put ſaid fetters on one of his legs, but having received a hurt in his other leg, he refuſed to permit them to put fetters upon it; whereupon the ſaid

[48] This was alſo a meer pretext, for there was no attachment out againſt this man; and if there had, Lord Angleſey had nothing to do with it, nor any one except the ſequeſtrators appointed by the court; for the ſequeſtration was againſt Lord Angleſey himſelf.

Murphy not only ſtruck this deponent on the head with a hanger, but afterwards unſheathed the ſame, and gave him a moſt unmerciful cut on the joint of one of his ſhoulders, which almoſt ſevered his arm from his body; by means whereof, and the great effuſion of blood, he was not only thrown into a fever, under which he lay a conſiderable time in great pain and torture, and his life was deſpaired of; but he hath ever ſince been deprived of the uſe of his arm, and in all appearance, is like to continue ſo all the days of his life. And deponent further ſaith, notwithſtanding that no purſuivant appeared to him, nor was any order produced for apprehending or detaining him, during the ſaid two days of his confinement; nevertheleſs, the day after he had received the ſaid wound, one Patrick Haydon came to this deponent, when he lay in the utmoſt agony of the fever and wound he had received, and told him he had orders from the ſaid Earl of Angleſey, to give him his liberty, provided he would pay four pounds, ſix ſhillings and eight pence fees, and execute a diſcharge or releaſe to the ſaid Patrick Murphy, who had wounded him, otherwiſe, that he muſt go immediately to Wexford gaol: and upon deponent's telling he had no money to give him, ſaid Haydon ſtript the bed clothes from off this deponent, took eighteen ſhillings out of deponent's pocket by force, and threatened to carry him immediately to gaol in the condition he was then in, if he did not inſtantly execute a bond, which he brought ready prepared, and which he refuſed to read; aud unleſs he alſo executed a diſcharge or releaſe to the ſaid Patrick Murphy, for the ill uſage and wound he had given him; both which deponent refuſed to execute; but was, by the perſuaſions of his wife, in order to ſave his life from the danger it was threatened with, compelled thereto; the ſaid Haydon having ſwore, that he would carry him directly to gaol, unleſs he complied *. And deponent further ſaith, that the ſaid Earl of Angleſey, not ſatisfied with the barbarities above mentioned, exerciſed by his means againſt this deponent, he was in a few days after, ſerved by one of the ſaid Earl's agents with a notice, to give up the poſſeſſion of his farm, or to pay double rent; and the ſaid Murphy, and others belonging to the ſaid Earl, actually forced deponent's

* It is to be obſerved, that this Haydon was not a purſuivant; nor had he any authority whatever for what he did; but was ſet upon it, by the noble Earl.

nent's wife and family out of poſſeſſion: and this deponent having no one to ſtand by him; and being in fear and danger of his life, in caſe he proſecuted the ſaid Murphy and his accomplices, was obliged, before he was well recovered of his wounds, to leave that part of the country, with his wife and four ſmall children [49].

Abraham Ward.

Sworn before me this 11th of May, 1745.

William Wall, Maſter in Chancery.

Many other attempts and contrivances of this kind, which are already come to light, could be mentioned; and there can be no doubt, but many more ſtill continue latent; but it is preſumed, that theſe are more than ſufficient, to ſhow what kind of men the claimant hath to contend with; and to give an idea, of the great difficulties that the gentlemen who eſpouſed and conducted his cauſe, had to ſtruggle with, as well as the great care and circumſpection that was neceſſary to be obſerved, to guard againſt the manifold ſnares of ſuch dangerous, numerous and powerful enemies.

It is no doubt a very melancholy, tho' too manifeſt a truth, that there appeareth a ſcandalous contrariety of evidence in this affair, between Lord Angleſey and his nephew, eſpecially on the abovementioned trial at bar; but it is alſo as evident, that the defendant the Earl of Angleſey's witneſſes, (not ſatisfied with contradicting the principal facts) were hurried by their forward zeal, to ſwear in direct contradiction to the claimant's witneſſes, in even the moſt trifling and indifferent circumſtances; and conſequently, that one ſide or the other muſt have maintained a ſyſtem of downright perjury. But is this to be wondered at, conſidering what ſort of perſons the claimant has for his adverſaries, and how much they have at ſtake? However, if due regard be had to the nature and circumſtances of the caſes, to the

[49] The vigour of the laws, and the execution of juſtice, muſt be upon a moſt excellent footing in this county, when a man in the commiſſion of the peace, as Lord Angleſey is, dares openly, and in the face of the ſun, to commit ſuch horrid acts of violence, cruelty and injuſtice. But what is a faction linked together in a confederacy, to oppreſs and ruin the unhappy man who contends for this great eſtate, not capable of, in a country where they are veſted with ſo much power?

great inequality, and different characters, conduct and ſituation of the parties engaged in that extraordinary affair; it can be no difficult matter to form a judgment on which ſide that imputation is to be fixed. For, not to mention the verdict already obtained by the claimant, which muſt certainly have its weight with all unprejudiced perſons, nor the great additional ſtrength that his cauſe hath acquired ſince that verdict, by the acceſſion of a very great number of witneſſes of unqueſtionable character; the circumſtantial proofs, ariſing from the conduct of his uncle and his confederates, muſt of themſelves, if well weighed, determine that point; and convince all the reaſonable part of mankind, that the claimant's antagoniſts have always conſidered him as the legitimate ſon of Lord Altham, and as a perſon that ſtood between them and the Angleſey eſtate; for, their conduct can be no otherwiſe accounted for. And if circumſtances ever had weight in any caſe whatever, they ought ſurely to have it in this, where ſo great a contrariety of evidence appears; and where the genius, power and influence of one of the parties, evidently appear from the above relation to be ſuch, that they are never at a loſs for witneſſes to prove or diſprove any thing. In ſuch a caſe as this, and indeed in all problematic caſes of this nature, circumſtances and actions very often diſcloſe the truth, and ſpeak the minds of the actors, much better than words, or any evidence they produce. Evidence may be, and very often is ſo framed, as to falſify and diſguiſe the truth; but actions, eſpecially ſuch as are attended with hazard and expence, as in the preſent caſe, are the ſureſt indications, of the real motives and ſprings from which they proceed. And ſurely this obſervation could never be more juſtly applied, than to the preſent caſe; for no man would run the riſk of incurring the penalties of kidnapping, man-ſtealing, or conſpiring to aſſaſſinate; nor lay out one thouſand pounds to take away a man's life, under colour of law, who never offended him, unleſs he had ſome very important purpoſe to anſwer by ſo doing: and it is plain, that the claimant had never injured, or ſo much as given any juſt cauſe of offence to Lord Angleſey, or any of his confederates; not even by commencing any ſuit for his right, before thoſe things were done by them. Therefore, ſetting aſide the poſitive evidence for and againſt the claimant's legitimacy intirely at preſent, let us conſider the circumſtances only, abſtractedly from it.

In

In order to do this more diſtinctly, we are to conſider, in what the defence that Lord Angleſey ſet up againſt the claimant ſince his arrival from America conſiſts. It is therefore to be particularly remarked, that he roundly aſſerts, *Lady Altham never was with child, nor never had any child while ſhe reſided in Ireland: that the claimant is the baſtard Son of Joan Landy, a kitchen wench; and publicly known and reputed ſo to be: and that he always was known and went by the name of Landy, and not by the name of Anneſley.* This the noble Lord has not only publicly aſſerted in the moſt ſolemn manner to many perſons, but ſet forth in his chancery bills. Now, if this had really been the caſe, is it probable that the claimant himſelf, would from his very childhood till now, through all the various ſtages of his life, and in all circumſtances and places where his hard fate happened to caſt his lot, conſtantly and uniformly maintain, that he was the lawful ſon of Lord Altham by the Duke of Buckingham's daughter? or that he ſhould do ſo conſtantly for a ſeries of years, at Dublin, and all other places of Ireland where he reſided, under his father, and his uncle, the preſent Earl of Angleſey's noſes, without being contradicted? If there were any truth in Lord Angleſey's aſſertions, is it to be imagined or conceived, that he ſhould all along be called by the name of Anneſley, and conſtantly reputed the ſon and heir of Lord Altham, at all the different places where his father lived, and at five or ſix different ſchools he was put to one after another? And yet, that he was ſo called and reputed, and his legitimacy never called in queſtion till after his return from America, is a fact ſupported by ſo great a number of witneſſes of the moſt reſpectable characters, that it muſt be madneſs, or ſomething worſe, to doubt of it. If the claimant was what Lord Angleſey would have him paſs for, the baſtard of a kitchen wench, publicly known and reputed ſo, and always called by the name of Landy, is it poſſible to conceive, that three or four hundred people, nay, I may ſay a thouſand, from all parts of England and Ireland, many of them perſons of great fortune, and moſt unblemiſhed characters, would conſpire together, to ſupport all the various ſtages and links, of a ſyſtem of fraud and impoſture, by their teſtimony in favour of a ſtranger, that they had no intereſt in, or connexion with? or that all the different parts of ſuch a ſyſtem, ſhould connect, and hang ſo harmoniouſly together; unleſs it can be ſuppoſed that all thoſe perſons, (many of whom never ſaw one another) had entered into a concerted ſcheme, to deceive the world?

But

But if even that had been the caſe, was it poſſible for them to expect ſucceſs in ſuch a ſcheme; where ſo many were concerned, and where neither ſecreſy nor conſiſtency could be expected? Is it probable that gentlemen and ladies of eaſy fortune, who had no intereſt in, or connexion with the claimant, would, when labouring under all the pains and infirmities of old age, and unable to move, without being carried, or even to ſtand on their legs, undertake a long and dangerous journey by ſea and land, in the worſt ſeaſon of the year, to the manifeſt hazard of their lives, to maintain a ſyſtem of fraud by their teſtimony? Or, would biſhops, dignified clergymen of the church, peers, and many other perſons of the moſt reſpectable character, join in ſupport of ſuch a fraud? and yet, all this muſt be, if Lord Angleſey's allegations are true.

On the other hand, if Lord Angleſey's tale be founded on truth, if the claimant was always publicly known and reputed, to be the baſtard ſon of Joan Landy, a kitchen wench, and always went by the name of Landy; how is his own conduct, and that of his confederates towards him, to be accounted for? Is it not manifeſt, from the whole tenure of their behaviour to him, from the time he was ſecreted, in the life of his father, in order to colour the attempt to ſell the reverſion of the Angleſey eſtate, till now, that he has always been conſidered by them, as a perſon that ſtood in the way between them and the enjoyment of it? The ſales that were then actually made by Lord Altham and his brother, the preſent Earl of Angleſey, of the reverſion of ſuch great and valuable parts of the eſtate, for the trifling conſideration of half a year or a quarter of a year's purchaſe, and that, at a time when the late Earl was very old and infirm, and their expectation of ſucceeding, if their title had been good, muſt have run very high, is a preſumption, that they were conſcious they had no right to ſell, otherwiſe, they could eaſily have ſold them at twenty times that price. But let that be as it will, what reaſon could be given for ſecreting the youth, and giving out that he was dead, at that critical time, if they had not been afraid, that his appearance would prove an obſtacle to the execution of that in quitous ſcheme of raiſing money? The clandeſtine kidnapping, and involuntary tranſportation of the claimant, an innocent youth, who had never injured or offended the preſent Earl of Angleſey, is a fact that ſtands ſo poſitively and fully proved againſt him, that the

noble

noble Earl himſelf, hath never ſo much as attempted to diſcredit it. It was an act of great violence, cruelty and injuſtice, puniſhable by the utmoſt ſeverity of the law, death; which no man would ſubject himſelf to, without ſome powerful, intereſting motives. This circumſtance alone, ought to weigh greatly for the claimant againſt his adverſary, in caſe of any defect of other evidence: for, as it hath not only given occaſion to his birth's being now called in queſtion, but alſo deprived him, in a great meaſure, of the very means of aſcertaining it; many valuable witneſſes having died, during an abſence of fifteen years, who could have clearly proved it, beyound contradiction, had it been contraverted ſoon after the death of his father [50]. Surely the perſon, by whoſe act of violence ſuch a ſeries of hardſhips and misfortunes have been occaſioned, ought to be anſwerable for all the bad conſequences of them, and conſidered as a ſpoliator of the worſt kind; and as ſuch, ought not to have the benefit of that obſcurity, which his own wicked arts may have thrown upon the claimant's legitimacy, if any ſuch there were, as providentially there is not.

The panic that Lord Angleſey, and all the other Anneſley's his confederates were thrown into, by the firſt account that came of the claimant's being diſcoverd in the fleet commanded by Admiral Vernon at Jamaica, but eſpecially when they heard of his arrival in England; together with the early methods practiſed by them to oppreſs him, and to prevent and delay his coming at a fair trial of his right; in ſhort, the whole of

[50] The far greateſt part of the people of New-Roſs, and the other contiguous pariſhes, that were come to the ſtate of manhood at the time of the claimant's birth, and almoſt all that were in any degree of intimacy with Lord and Lady Altham at that time, particularly the midwife and ſponſors, have died ſince he was ſent abroad; yet there are now alive a great number of perſons who remember Lady Altham's pregnancy, the birth of the claimant, the rejoicing on that account, and many other circumſtances relative to it. From which it may be eaſily collected, of how great notoriety that fact, now conteſted by Lord Angleſey and his confederates, muſt have been at the time of his birth; and how great a loſs of valuable witneſſes the claimant hath ſuſtained by ſo long an abſence. If therefore any obſcurity, or defect ſhould happen in the claimant's proofs, which is far from being the caſe at preſent; it ought with reaſon to be aſcribed to Lord Angleſey, who ſpirited him away; and much ſlenderer proofs ought in juſtice, and in the nature and reaſon of things, to ſerve in this caſe, than in a caſe otherwiſe circumſtanced, where no fraud or violence hath been committed, to deprive any of the parties of their evidence.

of their conduct in general towards him ever ſince, is not only a ſtrong preſumption in his favour, but appears to have been ſuch as could only proceed from a conſciouſneſs, and full conviction of the juſtice of his claim. This aſſertion is ſufficiently juſtified, by their early and iniquitous practiſing on Joan Landy *, to bring her over to their ſide, and force her to ſwear an affidavit that her ſon was alive, and in America; by the ſudden compoſition of all their law-ſuits with one another, and combining together againſt the claimant, on his firſt arrival in England from ſlavery; and by Lord Angleſey's giving up ſo many great eſtates on that occaſion, which he had ſtrenuouſly contended for till then, to perſons who had no manner of right, and without any other valuable conſideration, but their keeping quiet, and uniting with him againſt the claimant; by their early endeavours to

* Upon the arrival of the news of the claimant's being diſcovered in the Weſt Indies, Brachan the deputy ſovereign of New-Roſs, one Thompſon Gregory, and two other agents of Lord Angleſey's, ſent for this poor ignorant woman (who neither knew nor had ever heard of an affidavit) to Brachan's houſe, which was a tavern; and when they had got her into a room, they locked the door upon her, (by which ſhe was very much frightened) and endeavoured to perſuade her to ſwear an affidavit that her ſon was alive, and in America. But finding that they could not prevail, and that the poor woman conſtantly maintained, that her ſon died when young of the ſmall pox; they then forced her to drink hot wine mixed with brandy, two or threee glaſſes of which preſently intoxicated her, and when in that condition, they made her put her mark at the bottom of a paper, the contents of which, ſhe neither knew nor heard read to her; and Brachan being a magiſtrate, he certified that ſhe ſwore to it before him, (though ſhe never did) and the other three witneſſed it. The poor woman no ſooner got out of their hands, than ſhe complained to ſeveral people of their treatment: nevertheleſs, this paper was handed about by the confederates, when the claimant returned from the Weſt Indies, as an affidavit voluntarily ſworn by Joan Landy, purporting that her ſon was alive, and in America. Though Joan Landy conſtantly denied, that ſhe ever knew what the purport of this paper was, or that ſhe ſwore to it; yet, the claimant's managers were prevented by this flagitious attempt upon her, from producing her as a witneſs for the claimant on the trial at bar; but they acquainted Lord Angleſey and his counſel, that ſhe was in court, and as they had tampered with her, and pretended to have an affidavit from her, they might examine her if they pleaſed; but they very prudently declined the offer, as knowing ſuch an examination would not turn out to their credit. This circumſtance, with many others, diſadvantageous to Lord Angleſey, hath been omitted in the printed accounts of the trial at bar, which was taken in ſhort hand by a partizan of his. It is however very remarkable, that tho' Thompſon Gregory and Brachan were both ſubpenaed for Lord Angleſey on that that trial, and were both in court, and looked upon as capital witneſſes for him; yet he did not dare to produce them, for fear of their being interrogated about this tranſaction of Landy's pretended affidavit.

to diveſt him of all manner of aſſiſtance and ſupport towards aſſerting his right; and more particularly, by the extraordinary pains which the noble Earl himſelf, and his agents took, to prevail on Mr. Mac Kercher to abandon him in the very beginning, before any law-ſuit was commenced: by their retaining all the great counſel of both kingdoms againſt him on his firſt arrival from the Weſt-Indies, before any ſuit whatever was inſtituted, or even thought of; by Lord Lord Angleſey's declining to meaſure the merits of his caſe fairly with him; ſcreening himſelf as long as poſſible behind his privilege; and when that could no longer ſerve him, uſing ſo many ſcandalous ſubterfuges and unfair practices as he did, to avoid coming at a fair and open trial of right: by the many low procraſtinating tricks practiſed to retard the proceedings on the claimant's petition for the peerage before the attorney general, to whom it was referred by his Majeſty as far back as December 1743; and when all other contrivances for that purpoſe had been exhauſted, making his chief manager run away and abſcond, with all the briefs and papers, in order to furniſh a pretext for further delay. Do not theſe early and ſhameleſs actions, plainly betray the real motives from which they proceeded, to be no other than a terror of truſting the event of the controverſy between them and the claimant, weak as he was, to a fair and legal diſcuſſion thereof? Had they not been conſcious of his being the right heir, would any men in their ſenſes have been ſo terribly alarmed at the bare advice of his arrival, as prematurely to retain ſuch a formidable bar of lawyers, before any ſuit was thought of or commenced, againſt a poor, forlorn, friendleſs, moneyleſs man, newly arrived from a thirteen years ſlavery? Had the caſe been as they pretended, that he was publicly known to be the baſtard ſon of Joan Landy, a poor kitchen wench, would not any man, even of a common degree of underſtanding, but much more ſuch a cunning well adviſed confederacy, have endeavoured, by all practicable means, to bring ſo weak and impotent an antagoniſt's pretenſions to as ſpeedy a trial as poſſible, and have enabled him to make out the beſt caſe he could for himſelf; inſtead of having recourſe to ſo many tricks and ſubterfuges as they made uſe of, to retard and avoid it? Can they pretend that they either wanted good advice, or ſufficient time, to prepare for it? Had they not the aſſiſtance of all the eminent counſel within the bars of both kingdoms? Had they not two years after the accounts came of his being diſcovered

in America, before his arrival in England, to prepare themſelves againſt this pretended impoſtor? Were they not armed and fortified with all manner of advantages over him? Were they not ſupported with powerful allies and friends, and a formidable party linked in the ſame common intereſt with them in the county of Wexford, where he was born? Were they not in poſſeſſion of the very place of his birth, and of a very great eſtate round about it, ſeveral years before his return? Did they not know all the moſt material witneſſes that could give evidence for him? and had they not the means in their power to corrupt or influence them to be ſilent? Was not the noble Earl himſelf, and his confederates, poſſeſſed of all deeds, letters, and other papers, that could conſtitute facts and dates, or ſerve to throw light upon, or give any inſight into, the matter in conteſt between them and him[51]? Was the claimant poſſeſſed of any one of all theſe advantages? nay, was he not deſtitute of them all? Was he not, at the time they expreſſed ſuch terrors of him, a ſtranger in his own country, deſtitute of money, and of any friend upon earth, to take him by the hand, to ſupport him, or to eſpouſe his cauſe, except one ſingle gentleman of very ſlender fortune, and he alſo a ſtranger in Ireland? Did he know where to look for, or find any one witneſs to prove his birth? Or, ſuppoſing him to be the impoſtor they pretended, had he either means or opportunity to bribe any, much leſs, ſo many hundreds as now appear for him? As this was undeniably the true ſtate of the caſe between this poor unhappy gentleman and them, for upwards of two years after his arrival in England, why that extraordinary panic and diffidence of entering the liſts fairly with ſo feeble an adverſary? Why thoſe wicked arts to oppreſs him by ſo many different ways? Are not theſe ſo many demonſtrations of the true ſentiments of their hearts, of their conſciouſneſs of the truth and juſtice of his cauſe, and the badneſs of their own?

The reception the claimant met with from the people of Dunmain and New-Roſs, his native country, in November

[51] Lord Altham's papers were in the hands of the preſent Earl of Angleſey; Lady Altham's in the hands of Mary Heath her woman; Arthur the late Earl of Angleſey's papers were in the poſſeſſion of counſellor Francis Anneſley in the Middle-Temple; and John Duke of Buckingham's papers, (with many letters from Lord and Lady Altham to his Grace) were in the poſſeſſion of his dutcheſs, who were all deeply intereſted againſt the claimant.

1742,

1742, on his firſt appearance among them, after his arrival from America, and at all other places where he lived with Lord Altham his father; and afterwards in the years 1743 and 1744, if conſidered with all its circumſtances, is at leaſt an additional preſumption, if not a demonſtrative evidence, more convincing than a hundred witneſſes, in his favour; as the ſenſe of thoſe people concerning his legitimacy was thereby expreſſed in a very extraordinary and public manner; and is the more remarkable, as the town of New-Roſs was before this looked upon as the very citadel of his enemies [52]. This ſingle circumſtance, if duly weighed, muſt, to all thinking men, amount to a convincing proof of the claimant's legitimacy. If his pretenſions had been falſe, if he had been an impoſtor, the adulterous baſtard of Joan Landy, a kitchen wench, born among that people, and publicly known among them to be ſuch, as falſely alledged by his adverſaries; is it probable, or even poſſible, that he ſhould have been repeatedly received in the triumphant manner he was by Lord Angleſey's own tenants; a people whoſe favour and good-will his Lordſhip had always courted; and that he ſhould be received in ſuch a manner by them, not only in Lord Angleſey's own preſence, and in the preſence of all his agents and friends, but in ſpite of all their oppoſition to it? If he really were the impoſtor they endeavour to make him paſs for, is it not more probable, tbat he muſt have been looked upon, and received in a country intirely poſſeſſed by his adverſaries and their allies, with the utmoſt deteſtation and contempt?

The various attempts made by the confederates to deſtroy the claimant, particularly that by Stanley, and other ruffians, ſent over from Dublin in the Angleſey ſloop; that at the Curragh-races; and the ſubſequent attempts made by means of Clarke, Stanley, Murphy, and others, who were well known to be conſtantly about, maintained by, and in intimate connexions with the claimant's principal adverſary, are flagrant manifeſtations of the real motives from which they pro-

[52] Beſides what hath been beforementioned, of the claimant's joyful reception in the years 1742 and 1744 at this town; the inhabitants of the place, and of all the country round it, gave ſuch demonſtrations of their joy on account of the verdict he obtained againſt his uncle in winter 1743, as never was known in that part of the country: for all the hamlets and villages blazed with bonfires; and the people of New-Roſs, beſides other demonſtrations of their joy, dragged the great guns from the ſhips in the river, and planted them on the heights above the town, in order to celebrate the occaſion; which it is not probable they would have done, in contempt of Lord Angleſey their landlord, for the baſtard of a kitchen wench, born in the midſt of them.

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ceeded, as well as of the capacity and inclination of his adverſaries, to uſe any means, how wicked ſoever, to attain their ends.

The unnatural proſecution inſtituted and carried on againſt the claimant, by his principal adverſary, in the year 1742, at the Old Baily, on occaſion of a meer accident that happened near Staines, is a circumſtance that clearly beſpeaks the purpoſe for which it was undertaken, as well as the intereſt his adverſaries had, to get rid of him at any rate. The immoderate and indecent joy expreſſed by the proſecutor, when he received the firſt account of it: the early meaſures taken to corrupt the principal witneſs for the crown, and prevail on him to alter the firſt account he gave of that accident, to ſpirit up other perſons to give evidence againſt him, who could know nothing of the matter they ſwore to, and to procure a corrupt return of a coroner's jury: the barbarous inſults offered by him to the unfortunate priſoner in gaol, on the firſt day of his commitment: the repeated efforts made to get him transferred from the healthy priſon to which he was at firſt confined, to a more cloſe confinement in Newgate, where there was a chance of his being taken off by the gaol diſtemper, &c. and the unfair means practiſed to compaſs that end: the keenneſs and virulence with which the proſecution was carried on: the numerous army of eminent counſel, and of attornies, agents, and emiſſaries of all kinds employed in it: the unwarrantable arts uſed to ſeduce the chief witneſſes for the unhappy priſoner, and to prevail upon them to abſcond on the day of trial, in order to deprive him of the benefit of their teſtimony: the many ſiniſter, unfair means practiſed by the proſecutor on that occaſion, to take away this innocent man's life, under colour of law; together with the great ſums of money actually expended, and the ſtill greater ſums undertaken to be ſpent to gain that point; are at leaſt ſtrong preſumptions, of his having ſome very powerful intereſting motives, for ſo extraordinary and ſo wicked a proceeding; and of his unwillingneſs to truſt the event of the conteſt between his nephew and him, to the merits of his caſe alone. This deſigned tragedy, (attended as it was, by ſo many cruel attrocious circumſtances) is too recent, and too notorious to be doubted of; and was evidently proved againſt the chief actor in it.

The very character and genius of the parties that the claimant has to contend with, and their conduct in relation to the management of evidence, in other matters prior to this cauſe, and

alſo in this cauſe, is a ſtrong preſumption in his favour againſt them; it at leaſt manifeſts the ſpirit his adverſaries are actuated by, and how little they are reſtrained or governed by conſcience, juſtice, or truth, in their actions; and where there is ſo great a contrariety of evidence, may ſerve as a rule to judge, on which ſide the imputation of perjury is to be fixed in the preſent caſe. Had his adverſaries been men of probity or honour, this controverſy could never have happened; but as they have confeſſedly been guilty of acts of ſo great violence, injuſtice, cruelty and oppreſſion, as man-ſtealing, and attempts to murder the innocent under colour of law, by ſuch flagitious methods as they have practiſed againſt the claimant; is it to be in the leaſt doubted, but that the ſame perſons, and thoſe in league with them, would procure and prepare witneſſes, to ſupport them in any other caſe of equal importance to them? eſpecially as they are ſo abundantly furniſhed with the means and opportunities of practiſing ſuch iniquity. But to bring that matter ſtill cloſer home to them, and to the preſent purpoſe; are not the many inſtances of that kind, which appear againſt them, in other caſes previous to this, a preſumption of their having had recourſe to the ſame practice in this caſe alſo? Let any one look back into the proceedings of Lord Angleſey againſt his Iriſh wife, wherein the very daughter, a girl of fifteen years of age, was prevailed upon to ſwear againſt her unfortunate mother, and another witneſs was practiſed upon in gaol, and ſeduced by a promiſe of liberty and great rewards to give evidence in the ſame affair, tho' they were well aware, that ſhe knew nothing of what ſhe ſwore. Let them enquire into the conteſt about a ſhip that was caſt in by ſtreſs of weather on Lord Angleſey's eſtate in the county of Wexford, and into the evidence that was given, in order to prove her a wreck; tho' it was notorious, that ſeveral of the ſailors came on ſhore alive. Let them look into the proceedings of Lord Angleſey and his confederates, in their ſquabbles againſt one another, before the claimant's arrival in England reconciled and united them altogether againſt him; they will there find abundant proofs, of at leaſt as great a contrariety of evidence, as appeared in this cauſe. Is it then to be preſumed, that the ſame parties will act with greater candour, now that they are all united together againſt the claimant, than they formerly did againſt one another? If ſuch glaring iniquities have been reciprocally practiſed by them, to ſupport their mutual pretenſions to ſmall trifling parts of this great eſtate, what will they not do when the whole is in queſtion? The defence ſet up by Lord Angle-

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ſey and his accomplices, when they were tried at Athy in Auguſt 1744, for their attempt at the Curragh-races, furniſheth another flagrant inſtance of their iniquitous practices: for it was very apparent to the court, and to all preſent, that the witneſſes for the defendants were practiſed upon. The producing on that occaſion three witneſſes on behalf of the noble Earl and his accomplices, to diſprove a fact that was tranſacted in the preſence of above one hundred perſons of all ranks and degrees, and to prove it to have happened quite otherwiſe than it really did; if conſidered in all its circumſtances, is perhaps the boldeſt and moſt barefaced undertaking of the kind that ever was attempted. The three witneſſes produced on that remarkable occaſion were, one Neal O'Neal, a ſurgeon; Patrick Kavenagh, a dancing-maſter; and one Tynan, an apothecary. The firſt of theſe was immediately taken into cuſtody in court, tried and pilloried for perjury: the dancing-maſter had undergone the ſame fate, had not the proſecution againſt him been ſuperſeded, at the earneſt requeſt of ſome gentlemen who had been his ſcholars: and the apothecary was turned off the table with diſgrace by Lord Angleſey's own counſel; it appearing, by his croſs-examination, that he was one of thoſe who had been retained as a witneſs againſt the claimant, on the proſecution at the Old-Baily, tho' he was in Ireland at the time that accident happened.

The glaring forgery and mutilations committed in the pariſh regiſter of New-Roſs, and the curate's pocket-book (both which were in the power and cuſtody of the confederates) by tearing out all the leaves relating to the period in which the claimant is alledged to have been born, amounteth to a moral certainty, that the early informations given to the claimant's managers, that his birth and baptiſm was regiſtered there, were well founded. Many other circumſtances of the like nature run thro' the conduct of the adverſe party, which for brevity's ſake I omit. Such are, their various attempts to obſtrude witneſſes upon the claimant, to corrupt and ſeduce his own witneſſes in his abſence, and the barbarities exerciſed againſt ſuch of the lower claſs of them as live within the ſphere of their power, to frighten and compel them by fear to retract their evidence; the ſcandalous arts practiſed by them, to buy up Mr. Mac Kercher's and the claimant's debts, and ſpirit up their creditors againſt them; to miſrepreſent the claimant's caſe, and impoſe on the public by their numerous emiſſaries, by falſified copies of trials, and by inſerting paragraphs in the public papers, which thouſands know to be falſe; and a long ſeries of other facts

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that could be pointed out in the courſe of their conduct, which plainly denote the ſpirit and genius of the party, the badneſs of their cauſe, and the difficulty of ſupporting it, otherwiſe than by downright iniquity, oppreſſion, and miſrepreſentations of the groſſeſt kind. How far the veracity of witneſſes, procured by perſons of that caſt, is to be relied upon, in the preſent caſe, when their all is at ſtake, let the world judge. On the other hand, the conduct of the claimant, and of thoſe who managed for him, ſeems through the whole courſe of their reſearches and enquiries into this extraordinary affair, to have been ſuch in point of candour and openneſs, as even their enemies have not been able to impeach in any inſtance; though they have more than once attempted it; for their attempts have hitherto recoiled on their own heads.

Though the circumſtantial proofs abovementioned are very ſtrong and concluſive of themſelves, and the verdict found for the claimant, after ſo ſolemn a trial at the bar of the court of exchequer, and ſince confirmed in a ſuperior court upon a writ of error, muſt always have great weight with every diſintereſted perſon; yet the claimant's caſe is far from reſting on theſe alone. His cauſe hath ſince that trial acquired ſo great an acceſſion of ſtrength in point of evidence, as, when ſuperadded to the weight of the verdict already obtained, and to the circumſtantial proofs, form together ſuch a body of evidence, as muſt convince all mankind of the truth and juſtice of his claim, and put the future iſſue thereof beyond all doubt. For the ſame facts that were in iſſue, and proved on the former trial, are now confirmed by many witneſſes of much higher conſideration and rank in life, than thoſe who were then produced on behalf of the claimant; and ſeveral new facts, equally material and conducive, not only to prove his legitimacy, but to deſtroy the defence made by Lord Angleſey and his confederates, are now fully and clearly made out by a multitude of witneſſes, of undoubted probity; ſo that it may be truly averred, that the great ſtrength of the claimant's caſe hath been diſcovered ſince that trial. It is true, that many valuable witneſſes for the claimant have died, ſince the cauſe hath been kept ſo long in ſuſpenſe by the artful contrivance of his adverſaries, and the want of ability to proceed; for it always was a principal part of their ſyſtem, and that upon which they laid the greateſt ſtreſs, to ſtave off all deciſive trials, till he ſhould be totally reduced by the death of witneſſes, and want of money, to a ſtate of diſability to proceed. But tho' his enemies have unhappily ſucceeded in the laſt of theſe objects,

it is happy for him, that his birth and legitimacy were of ſuch a notoriety, that, notwithſtanding the death of ſo many witneſſes, there ſtill remain alive, a number more than ſufficient to prove it, to the ſatisfaction of all mankind; and the evidence of many of thoſe who have died, hath been perpetuated in the chancery of both kingdoms. But the efforts uſed by Lord Angleſey and his aſſociates, to delay and avoid a deciſive trial of the right, is a manifeſt proof that they are under no uneaſineſs about the death of their own witneſſes; which ought to convince every reaſonable man, that they do not rely on real, but upon fictitious evidence that may be procured at any time, for their defence. And the great oppoſition made by them to the examination of one Captain Reid, and other material witneſſes for the claimant, (who were old and infirm, and in danger of dying) in order to perpetuate their teſtimonies, was not only an extraordinary ſtretch of iniquity and oppreſſion, but is a proof of their conſciouſneſs, that the claimant's witneſſes are real, and not fictitious [53].

Notwithſtanding the great oppoſition formed by Lord Angleſey and his party to the forwarding of the cauſe, and to the examination of the claimant's witneſſes, and of all the op-

[53] Captain Reid was in a dangerous way, when application was made to the Iriſh court of chancery for a commiſſion to examine him; and an affidavit ſworn before a maſter in chancery by his phyciſian, of the dangerous ſtate he was in, and of the moral impoſſibility of his recovery, was ſent over and read in court, to enforce the granting of the commiſſion. But Lord Angleſey and his confederates formed ſo violent an oppoſition to the granting of it, that the man died, before all the preliminary forms to the obtaining of it could be ſettled. One of their objections was, that there ſhould be an atteſtation of a notary publick annexed to the affidavit of the phyſician, that the perſon before whom he was ſworn, was a maſter in chancery; and upon this ridiculous ſuggeſtion, the affidavit was rejected, and ſent back to England to be re-ſworn, and atteſted by a notary; as if a maſter in the high court of chancery of Great Britain was not better known than an obſcure notary. However, before the affidavit could be returned again with this atteſtation, Captain Reid, upon whoſe evidence much depended, died; and the claimant loſt the benefit of his teſtimony in the Iriſh ſuit. I cannot help obſerving on the abſurdity of this practice, if it be a practice of the Iriſh court of chancery; for, at this rate, any man may be undone, and the moſt important cauſe that ever was, loſt, before a witneſs can be examined, upon whoſe evidence perhaps it wholly and ſolely depends. What great hurt could there reſult, from the examination of this or any other witneſs, upon a bare affidavit of his being in danger, tho' diveſted of the form of having an atteſtation annexed, eſpecially as the ſick perſon was in another kingdom, where ſuch a piece of form was never known? Is there any conſcience in refuſing ſuch a commiſſion?

oppreſſive arts practiſed by them, to render their examination as difficult and expenſive as poſſible, above three hundred have been examined for him, and his ſuit in the court of chancery of Great Britain, for the whole Angleſey eſtate in England, hath for ſome time been ready to be heard and determined by my Lord Chancellor; but hath remained in that ſtate ever ſince the year 1745, merely for want of money to defray the expence of a trial, and for no other reaſon whatever. This ſtate of diſability to which the claimant hath been reduced, by the dilatory oppreſſive contrivances of his adverſaries and their abettors, is by ſo much the more to be regreted, as the immenſe and almoſt inconceivable labour, and great expence already undergone, to bring this cauſe to that degree of maturity and perfection for a final and deciſive trial, that it is now at, muſt in a ſhort time be for ever loſt, by the death of the remainder of the witneſſes; and the unfortunate claimant, as well as the gentleman who hath expended his whole fortune, and exhauſted his credit, in ſupport of him and his cauſe, be cut off from all redreſs, and remain victims, to a ſeries of the moſt flagrant acts of cruelty, injuſtice, and oppreſſion, that ever were practiſed in this or any other nation, for many years. However, they are ſo far from ſuperceding or dropping the cauſe, as hath often been falſely ſuggeſted, that notwithſtanding the deplorable ſituation it is now reduced to, for want of money to proceed to a trial, they are ſtill ſtruggling to keep it alive, and determined to proceed with all poſſible vigour and expedition, as ſoon as it ſhall pleaſe God to remove that incapacity. And ſurely providence never will permit ſo continued a ſcene of cruelty and oppreſſion, to ride always triumphant over truth and juſtice. It is however amazing, in a nation otherwiſe remarkable for humanity, generoſity, love of juſtice and abhorrence of oppreſſive cruelty above their neighbours, in a nation where ſo many wallow in riches, which they neither know what to do with, or who to leave it to; that no one hath hitherto ſtept in, to the aſſiſtance of a gentleman, who hath ſo generouſly ventured his all, and even his life, in ſupport of ſo intereſting a cauſe, to enable him to go thro' with it. Such inſenſibility never was known before, in a caſe of this extraordinary nature. But what makes it ſtill more aſtoniſhing, (and no other way to be accounted for, than people's being unacquainted with the circumſtances and merits of the caſe) is, that the riſk incurred of not being repaid, what humanity or generoſity may prompt them to advance, if any riſk at all, is next to nothing;

for no money hath ever yet been borrowed, for the purpoſes of carrying on this cauſe, but with an honeſt view of repaying it again with intereſt. But to return from this digreſſion, which I hope the reader will pardon, as it fell ſo naturally under my conſideration in this place; Lord Angleſey and his aſſociates in the ſpoils of this unfortunate gentleman, being very conſcious, that nothing but money was wanting, to bring his cauſe to a ſpeedy and ſucceſsful iſſue, and to diveſt them of their illegal acquiſitions, have left no ſtone unturned, nor any expedient untried to diſable him in that particular. It is not the merits of the caſe, but this and this only, *whether he ſhall or ſhall not have money to enable him to go on*, that is at preſent, and hath for ſeveral years paſt been the chief object of their attention; and the joint efforts of the whole party, hath ever ſince the former trial at bar, co-operated to and centered in this one point, and that of corrupting and ſeducing the claimant's witneſſes. It was for this purpoſe, that the abovementioned writ of error was originally brought, and kept on foot, firſt by Lord Angleſey himſelf, in his own name, by all the procraſtinating arts poſſible; and when he had been beat out of all his ſubterfuges, at the expence of much time and money, and reduced to the neceſſity of aſſigning error (which he had not in his power to do) or to let judgment go for the claimant; he deviſed a new ſcheme for further delay, by filing a long bill in chancery, in the name of another perſon, who had no manner of right to intermedle; but whoſe name was coluſively made uſe of to colour the fraud. This bill, (which ought with more propriety to be termed an infamous libel) containing no other matter from beginning to end, than ſhameleſs bare-faced impertinences, ſcandalous allegations, void of the leaſt ſhadow of a foundation, and notorious falſehoods, conſiſted of no leſs than thirty ſkins of parchment: and in order to render it, with the proceedings upon it, as vexatious and expenſive as poſſible to the claimant, *all the witneſſes that had been examined for him on the trial at bar, all his agents and managers, ſeveral of his acquaintances who had nothing to do with the cauſe, and even the nominal leaſee in ejectment on the trial at bar, a fictitious perſonage. a John-a-Nokes or a Tom-a-Styles, were made parties to it.* But what is ſtill more extraordinary is this, that tho' it was notorious this bill was filed at the inſtigation and expence of Lord Angleſey, *tho' he himſelf was by coluſion made a defendant in it*, and his ſtanding counſel appeared on all occaſions at the bar at his expence, for the coluſive plaintiff, and altho' the main ſcope and

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intention of the bill, and the prayer thereof appeared to be for no other purpoſe, than to obtain an injunction to ſtop the claimant's proceeding againſt Lord Angleſey himſelf on the writ of error, by which the coluſion manifeſtly appeared; yet, this bill, with the proceedings upon it againſt the claimant, met with all the countenance and encouragement poſſible; and an injunction of a very extraordinary nature iſſued againſt the claimant in his abſence in England, without allowing him time either to appear or anſwer, by which he was enjoined not to proceed further againſt Lord Angleſey *(one of the defendants in the bill)* on the writ of error. This injunction, at the requiſition of a third perſon, to ſtop the claimant's proceeding at common law againſt Lord Angleſey, without giving him time to anſwer the bill, in which there appeared no ſhadow of equity, was of ſo extraordinary a nature, that the claimant's counſel oppoſed it with all their might, but to no purpoſe, for the injunction iſſued, and he was thereby, and by other ſubſequent bills and injunctions ſtopt from proceeding againſt Lord Angleſey on the writ of error, for ſeveral years.

Altho' thoſe confederates were well convinced, that the iniquity and infamy of theſe ſcandalous proceedings, muſt in the end recoil upon themſelves, and ſubject them to heavy coſts; yet, as they foreſaw, that the mere forms required to be gone through, in anſwering and diſcuſſing thoſe ſeveral bills and injunctions, would (whether right or wrong) require much time, and put the claimant to great expence; and not only procure them the delay they ſo eagerly ſought for, but ſtop him from receiving the rents of the eſtate he had recovered by the abovementioned verdict and judgment; they ſtopt at nothing however, openly ſcandalous or unjuſt, to gain a point on which their ſafety ſo much depended. However, after they had been purſued thro' all their intricate mazes, and almoſt inextricable labyrinths, of quibble, chicanery, and trick, and beat out of all their ſubterfuges, and after other numberleſs difficulties ſurmounted, the judgment obtained by the claimant on the trial at bar in November 1743, was at length affirmed in his favour in January 1752; and the ſham writ of error, (by means of which, and of the abovementioned bills and injunctions he had been ſo iniquitouſly delayed) was at the ſame time ſet aſide; and the confederates reduced to the ignominious acknowledgment, of its being utterly without any foundation; and the whole of their proceedings upon it for upwards of ſeven years, to have been a continued

chain of artful inventions, purpoſely contrived to oppreſs and totally to diſable the claimant from a further proſecution of his right. Lord Angleſey finding himſelf by the affirmation of the judgment in favour of the claimant, now reduced to the alternative, of either acquieſcing in that determination, and admitting him into the immediate poſſeſſion of the ſmall eſtate he had recovered by it, (which would have enabled him to proſecute his right to the reſt) or of bringing his ſham writ of error, in order to gain further delay, over to the houſe of Lords of Great Britain, at the hazard of having all the iniquitous proceedings he had hitherto practiſed to delay it, laid open, and expoſed to that auguſt tribunal; he, in order to avoid both theſe inconveniencies, either of which muſt have proved equally fatal to him, fell upon a new contrivance. For when he found that the bills filed at his inſtigation by his confederates, could be of no further uſe to him, and that the claimant was now quite worried out and diſabled from proceeding any further; he immediately filed another bill himſelf, of a moſt enormous length, conſiſting of no leſs than five hundred ſheets, and of a moſt ſcandalous compoſition, almoſt word for word the ſame with thoſe that had been before filed at his inſtigation and expence by his confederates, and in which he had been made a defendant. Upon this bill, he prayed for and obtained an injunction, in the claimant's abſence in England, to ſtop his taking poſſeſſion upon the judgment thus affirmed. The claimant's counſel made all poſſible oppoſition to the granting of this extraordinary injunction alſo, and inſiſted on time for the claimant to anſwer the bill, but to no purpoſe; for they were not only denied that reaſonable indulgence, but ſome very extraordinary orders have been made ſince, to favour Lord Angleſey and his confederates.

So that, to the great ſcandal and offence of the public in general, and more particularly, of thoſe who were acquainted with thoſe proceedings, this writ of error, which in a regular courſe of juſtice, ought to have been diſcuſſed in nine or ten months at moſt, hath by one trick and artifice after another, been kept on foot, from November 1743 till now, tho' it was notorious, that no error whatever either was, or ever could be aſſigned; but that it was originally brought merely for affected delay. And after the judgment had been affirmed in favour of the claimant, at the end of ſo many years ſtruggle, and Lord Angleſey's mal-practices in the courſe of the proceedings had been laid open to the court in the moſt glaring light; he nevertheleſs was indulged with

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the laſt mentioned moſt extraordinary injunction, to keep the claimant out of poſſeſſion, and with another ſubſequent to that, ſtill more extraordinary [54].

From the above detail, of facts and circumſtances (moſt of which are of public notoriety, and many of them of record) it is manifeſt what inexpreſſible loſſes and diſadvantages the hapleſs claimant hath been expoſed to by the affected delay, or rather total denial of a report on his petition for the peerage, and of the diſcuſſion of this writ of error, and by being kept ſo long in a ſtate of uncertainty, in affairs of ſo great conſequence to him as theſe were; not only on account of the death of a great number of witneſſes, of the ruin and waſte of his eſtates, of the payment of his rents in the hands of his adverſaries, who are all inſolvent, and employ his own money againſt him; but on account of the many hardſhips and inconveniencies undergone by himſelf, and the gentleman who ſupported him and his cauſe, (more eſpecially the laſt,) for ſo long a courſe of years. It is alſo manifeſt, what extraordinary difficulties were to be ſtruggled with and ſurmounted, in the courſe of this conteſt, to bring it to what it is, againſt the joint efforts of ſuch numerous and powerful adverſaries, poſſeſſed of all poſſible advantages againſt the claimant, at the very firſt outſet; as they were not only in poſſeſſion of the country round the place of his birth, and knew almoſt every witneſs that could give any material evidence for him, who were moſtly their own tenants, but had three years time, after the news came of his being diſcovered in the Weſt Indies, to ſtifle and corrupt all manner of evidence, and to intereſt a party againſt him, before he himſelf, or any one for him appeared in that country. It is in like manner evident from the above detail, that his adverſaries have ſtuck at nothing how iniquitous, cruel, and flagitious ſoever, to compaſs their ends, and to rob him of his life, liberty and eſtate, by ſubornation of witneſſes againſt him, ſeducing his own witneſſes from him, ſuppreſſing, mutilating, and deſtroying all written evidence for him, that fell in their way, by repeatedly attempting to take away his life in various ways, and by improving every ad-

[54] As it muſt undoubtedly be thought very uncommon, by ſuch as are acquainted with the policy of our law, and practice of the courts, that a writ of error, deſtitute of any reaſon or foundation, ſhould be kept on foot upwards of ſeven years; and as the proceedings and various arts by which it hath been ſupported ſo long, are in themſelves curious, and hitherto unparalleled; the author of theſe notes propoſeth to oblige the public with a ſeparate account of them.

advantage, that money and power had put into their hands, to oppreſs and diſable him from proſecuting his claim. Nor is it leſs evident, that the claimant hath all along eagerly ſought for and deſired a fair and honeſt trial of his right, and that he hath zealouſly purſued all the fair means poſſible to come at ſuch a trial, before the moſt incorruptible tribunals; and that Lord Angleſey and his confederates have, on the contrary, as eagerly and induſtriouſly, endeavoured to avoid any trial whatever; and have for that purpoſe, employed all the iniquitous means that could poſſibly be contrived; tho' it is plain, if their plea had been as well founded as they pretended, it was by no means their intereſt ſo to do. For if the claimant had been publicly known and reputed to be the baſtard ſon of a poor mean woman, and had always been called and known by the name of Landy, as falſely alledged, they could never have entertained the leaſt doubt of ſucceſs; conſequently they muſt have been ſo far from declining a trial, as they conſtantly did, that they would have forwarded it by all the means practicable; eſpecially as they could not but know, that their intereſt, as well as their reputation, muſt ſuffer by their poſtponing it. Upon the whole, it is obvious from the conduct of Lord Angleſey himſelf, and that of his confederates towards the claimant, from the beginning till now, that they have all along had on their minds, a conſciouſneſs of his right, a terror of truſting their caſe to a candid examination by any impartial tribunal, and a fixed intention (if poſſible, by mere dint of oppreſſion, and of ſuperior power and intereſt) to ſtifle and ſuppreſs the real ſtrength and merits of his caſe, from ever coming to the knowledge of the public. But, on whatever ſide the right is, the caſe is ſo extraordinary in its own nature, that public juſtice call aloud for a thorough enquiry into it; and it is to be hoped, that providence will raiſe up ſome other, in the room of the perſon who formerly ſupported the expence of this cauſe; or inſpire ſome humane generous breaſt, with an inclination to enable him to proceed, (before the death of the witneſſes make it too late,) with the ſame ſpirit that he did, while his own fortune or credit ſubſiſted; otherwiſe it muſt, in a ſhort time, be for ever loſt and undone, and its ruin prove an everlaſting ſtain and reproach to the national juſtice.

FINIS.